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SAN FRANCISCO
ARTS COMMISSION

STREET ARTISTS COMMITTEE

Wednesday, January 8, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70, San Francisco, California

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Public comment in regard to specific items will be taken before or during consideration of the item.

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Agenda

I. HEARING AND POSSIBLE MOTION TO APPROVE AMENDING PROPOSED ORDINANCE INCREASING STREET ARTIST FEE TO PROVIDE FOR A SPECIFIC FEE FOR EACH OF THE FISCAL YEARS 2002-03, 2003-04, 2004-05, AND 2005-06

On February 4, 2002, the full Arts Commission voted to approve a request by the Street Artists Program Director for Board of Supervisors approval of an ordinance increasing the street artist certificate fee for fiscal year 2002-03 to \$93.40 per quarter or \$373.60 per year. For the past four years, the Program has been drawing down on its surplus fee reserve to cover its deficits. In its vote, the Commission intended the fee increase to be the first of four increases over the next four years while, at the same time, to draw down on the surplus fees reserve until the reserve is exhausted and the annual fee revenue of FY 2005-06 entirely supports the costs of the Program.

While the Board of Supervisors has not yet heard the proposed ordinance, the Program Director is requesting Arts Commission approval of an amendment to the proposal which would specify the fee amount for the balance of the current fiscal year and the fee amount for each of the next three years. The fee amounts are predicated on projections of the costs of managing and enforcing the street artist ordinance with supplementation of the surplus

fees reserve until the reserve is exhausted and the fee amount for FY 2005-06 is sufficient to entirely support the costs.

II. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Paula Grundman - Certificate # 5795. Alleged violations: (1) Selling within 5 feet of fire hydrant; (2) Selling in a location not designated by Board of Supervisors, *2nd offense*; (3) Selling items (mother-of-pearl and abalone pendants on non-adorned cords) not certified by Arts Commission, *2nd offense*; (4) Conducting business in a disorderly, improper, hazardous manner: threatening, and disrupting the businesses of, various street artists.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold the issuance or renewal of a street artist's certificate if the artist is charged with the violation of selling items not certified by the Arts Commission and the violation of conducting business in a disorderly, improper, or hazardous manner/threatening, and disrupting the businesses of, other street artists. These are charges of "serious violations" which are considered by the Commission to include "violations of a violent or threatening nature and violations that significantly threaten the integrity of the Street Artists Program." Renewal of Ms. Grundman's certificate has been withheld pending hearing with the Street Artists Committee.

III. HEARING AND POSSIBLE MOTION TO APPROVE SUSPENSION OR REVOCATION OF CERTIFICATE

Kan Wen Chong - Certificate #5777. Alleged violations: (1) Selling in a location not designated by Board of Supervisors, *2nd offense*; (2) Exceeding display length regulation; (3) exceeding display width regulation; (4) exceeding display height regulation.

IV. REPORT BY PROGRAM DIRECTOR

V. NEW BUSINESS

VI. ADJOURNMENT

[[ACCESSIBILITY INFORMATION](#) | [Street Artists Committee](#) | [Meetings Index](#)]

December 13, 2002

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Arts Commission*

≡ STREET ARTISTS COMMITTEE

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≡ Minutes

Commissioners Present: Kirk Anderson, Andrew Brother Elk, Rod Freebairn-Smith

Commissioners Absent: Denise Roth, Dugald Stermer

Staff Present: Richard Newirth, Director of Cultural Affairs; Howard Lazar, Street Artists Program Director

In attendance were street artists Robert Clark, William Clark, Barbara Michalak, Susan Pete, John Thomey, and Edward Steneck.

Commissioner Freebairn-Smith chaired the meeting and called it to order at 3:12 p.m.

- I. **HEARING AND POSSIBLE MOTION TO APPROVE AMENDING PROPOSED ORDINANCE INCREASING STREET ARTIST FEE TO PROVIDE FOR A SPECIFIC FEE FOR EACH OF THE FISCAL YEARS 2002-03, 2003-04, 2004-05, AND 2005-06**

Program Director Lazar reviewed that on February 4, 2002, the full Arts Commission voted to approve submittal of an ordinance to the Board of Supervisors increasing the street artist certificate fee for fiscal year 2002-03 from \$87.50 to \$93.40 per quarter or from \$350.00 to \$373.60 per year. In its vote, the Commission intended the fee increase to be the first of four increases over the next four years while, at the same time, the Street Artists Program would draw down on its surplus fees reserve until the reserve's exhaustion and the annual fee revenue at that time would entirely support the costs of the Program.

While the proposed ordinance had not yet been heard by the Board of Supervisors, the Program Director was now requesting approval of an amendment to the ordinance which would specify the fee amount for the balance of the current fiscal year and the fee amount for each of the next three years. This was in keeping with a recent directive to all departments from the Mayor's budget office to plan budgets for the next three years. The Program Director, referring to his "Graduated Certificate Fee Increase Proposal", submitted projections of the Program's budgets and revenues for the next three years based on moderate fee increases.

The Commissioners reviewed charts developed by Mr. Lazar which showed the usage of the surplus fees reserve to cover the Program's recent annual deficits and projected revenues predicated on his proposed fee increases. It was seen that (a) without *any* fee increase, the surplus fees reserve was projected to disappear in two and a half years; and (b) with four gradual fee increases, the first commencing with the remainder of the current fiscal year, the moderate increases in revenue would allow usage of the surplus fees reserve to continue to a later date of complete depletion, fiscal year 08-09.

Mr. Lazar reviewed also that, out of consideration of the street artists, it had been the Commission's intent to introduce a gradual fee increase now, while the surplus fees reserve was offsetting the Program's deficits, rather than wait for the complete depletion of the reserve and impact the street artists with a dramatic increase in their fee.

The Commissioners observed that the proposed annual fees (7% and 6% increases for 365 artists) ranged from \$373.60 for the remainder of FY 02-03 to \$419.20 for FY 05-06, whereby the Program's revenue would continue to receive the benefit of augmentation by the surplus fees reserve. It was further observed that, by FY 07-08, the revenue of a projected \$442.00 fee plus the remainder of the reserve would be insufficient to cover the Program's deficit of the following year, and this would then necessitate Board of Supervisors approval of another ordinance to establish a fee to entirely cover the costs of the Program.

Commissioner Brother Elk observed that, in recent years, the Program's annual fee revenue had leveled off to \$128,000 to \$130,000 (compared with this year's budgeted expenses of \$165,000).

Mr. Lazar went on to say that, following another directive of the Mayor's budget office for departments and programs to eliminate 5% of their budgets for next year, he considered the Program's "core services" and "discretionary services" (terms used by the Mayor's office) and chose to eliminate a major "discretionary service" instituted by the Program over the last ten years: the Program's hiring of off-duty

police officers to enforce the street artists ordinance against unlicensed vendors in street artist areas. This will be a savings of \$11,000 or 6.5% of the Program's budget and will allow for a slightly longer continuation of the usage of the surplus fees reserve.

Commissioner Anderson stated that Mr. Lazar had done a prudent and thorough job in projecting the budgets and revenues. He also said that it was advantageous to introduce a gradual fee increase, while using up the surplus reserve, rather than exhaust the surplus and impact the artists with a sudden and dramatic fee increase.

Commissioner Freebairn-Smith observed that the sales activities of unlicensed vendors continue in the Downtown area and that, since it was the responsibility of the Police Department to handle this problem, it seemed almost punitive to continue to ask the street artists to pay for such enforcement. The Commission should continue to ask the police to remove the unlicensed vendors.

Commissioner Brother Elk stated that he felt the proposal's moderate approach would work to the benefit of the artists and their Program.

In response to questions from Commissioner Freebairn-Smith, Mr. Lazar clarified that the Program is entirely self-supported by its street artist fees and does not receive assistance from the City's general fund. The mechanism the Program has to remedy any shortfall of its revenue is to raise the amount of the fee. Responding to further questions, he explained that 82% of the Program's budget encompasses salaries of two full-time employees, and 7% goes toward compensation of Advisory Committee members for their examinations and monitoring assignments of the artists' wares - all of this represents employee and Advisory Committee implementation of "core services" mandated by the street artists ordinance. The Program Director had made cuts where permitted and saved the Program 3% this year and proposed a 6.5% savings for next year.

Commissioner Brother Elk stated that, in his survey of City government, the Street Artists Program was one of the best-managed and thriftiest programs he had observed and that, if anything, the Program was *under*-budgeted. He hoped that the Commission would someday, in a better economy, be able to do more to assist the street artists. For the present, he was personally uncomfortable with how low the Program's budget was.

Commissioner Freebairn-Smith called for public comment on the item.

Street Artist William Clark stated that the City Attorney did not answer the question that he had asked which was if, at the end of a fiscal year, there is a surplus remaining in a special fund, whether it is mandated that the surplus be counted as revenue for the following year's budget. The City Attorney's response, he said, was to a different question; the response was that a department was not required to spend all of its surplus while *in* a present fiscal year. He asked that his question be resubmitted for an answer.

Mr. Clark went on to state that he opposed the fee increase and the four-year plan. He submitted copies of the Police Code's Sections 2404.2, "Fee Setting Procedure", and Section 2404.1.1, "Street Artist Application/Examination Fee"; the Administrative

Code's Section 10.100-1, "Administration of Special Funds" and Section 10.100-32, "Art Commission Street Artist Fund"; and the City Charter's Section 6.305, "Cash Reserve Fund and Supplemental Appropriations". Citing Section 2404.2, Mr. Clark stated that the law required the Arts Commission to plan its Street Artists Program budget and certificate fee on an annual basis; therefore, for the Board of Supervisors to approve an ordinance setting forth fee amounts for the next four years, Section 2404.2 would have to be amended. He urged the Commissioners to seek such an amendment before approving the four-year plan.

Citing Section 10.100.1, Mr. Clark stated that the Street Artists Program's fund was categorized as a "category four" fund which required that "[A]ny unexpended and unencumbered balance remaining at the close of any fiscal year in fund categories two, four, six, and eight shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be accumulated in the fund." Section 6.306, Mr. Clark pointed out, provided that "unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates ... when not transferred to the cash reserve fund ... shall be held as surplus" and "[S]uch surplus shall be taken into account as revenue for the ensuing fiscal year. ..." Because of this requirement, Mr. Clark stated that the Program's remaining surplus, after covering this year's deficit, must be used for the following year - it must be included in considering the fee structure for next year. For example, if approximately \$100,000 surplus is left over after covering the present year's deficit, and there is \$160,000 budget for next year, the \$100,000 would be applied to the budget, and the remaining \$65,000 would be divided upon 365 artists which would yield the appropriate fee the artists should pay.

Commissioner Brother Elk asked that, if, following Mr. Clark's reasoning, the surplus were to be used up entirely for next year's budget, yielding a small fee, what then would happen the following year when there is no surplus? He asked Mr. Clark what he would do if he were in the commissioner's shoes.

Mr. Clark responded that he would follow the law, seek a lower fee - even a \$10 fee - then go back to the Supervisors the following year for a higher fee.

Commissioner Anderson stated that if this happened, an enormous increase in the fee would be imposed during the year the Program would go into a deficit; this, in turn, would drive away many street artists. It would be more prudent, he said, to inform the artists, when lowering their fee, of the possible advent of a deficit and then slowly increase the fee incrementally in order to not impose a sudden huge increase.

Mr. Clark responded that if the fee were raised now, artists would drop out of the Program. In contrast, if the fee were lowered for one year, everyone in the Program would be inclined to stay, and the additional 100-150 new licensees entering the Program would also stay; therefore, in the following year, instead of 365 artists sharing the costs, there would be at least 500 or 565 artists, and the necessary increased fee, though a dramatic jump, would not be as high as the present fee. The process, he said, was meant to be simple, to avoid having to make long-term projections of budgets and fees.

Mr. Clark maintained that the Program was not in a deficit, that it was in a surplus; and that, as the fees go up, more artists drop out.

Commissioner Brother Elk questioned Mr. Clark's reasoning, and stated that an artist who first pays a \$50 fee would not be inclined to stay the following year when his fee has to be raised significantly - and that this could make for a huge decline in the street artist population.

Commissioner Anderson stated that he felt the worry for the commissioners would be that the 500 artists projected by Mr. Clark would turn out to be only 300, and the Program would again return to a deficit situation. The Commissioner stated that he would like to make the fee increase as gradual as possible.

Street Artist Robert Clark stated that, after lowering the fee, a possible way to avoid a sudden dropout of artists is to have the Program staff tell the artists that they are fortunate to be paying a low fee now and that next year they should be prepared to pay a somewhat higher fee.

Mr. William Clark, in closing, stated that he felt that he had already given the Program a substantial amount of money to be used to pay for the Program's expenses; for the Commission to accept the money, not entirely use it to cover the expenses, and then ask him to pay a higher fee would not be proper.

Street Artist Barbara Michalak stated that she was speaking for herself and two other licensees, her mother and her husband. While they were not in the Program when the surplus fees reserve was created, the surplus was only a small savings that was helping the Program to continue for the people who depended a hundred percent on the Program. For her and her family, it would be a sad story if the Program, without a fee increase, used up the savings and ended in 2005-06. All the energy she had put into her business would be wasted; her moving her family from Cupertino to Pacifica to be closer to the Program would have been for naught.

Ms. Michalak went on to say that she was doubtful that the Program could attract another 150 license holders to share its costs given the present economy in which (a) people were looking for stable, full-time jobs with benefits, and (b) the difficulty in making a living on the streets. Furthermore, she did not favor the idea of having the fee lowered significantly only to have it rise sharply the next year.

Seeing the savings as a cushion against certain unforeseeable costs in the Program, Ms. Michalak stated that the staff's requested fee increase, she said, was only seven pennies a day or the equivalent of one Starbucks coffee a month. She would be willing to sacrifice the one cup of coffee to ensure the existence of the Program so that she could continue in business for another ten years. An additional two dollars a month from each of the present artists who make the Program their full-time business was really, she said, not bad. She added that street artists do not pay a lease, security, or utilities for their prime sales locations which, with the fee increase, would cost them only \$1.07 a day.

Street Artist Susan Pete stated that she would be unhappy about the prospect of some 500 artists in the Program, as suggested by Mr. Clark; as it was, with 365 artists, there were not enough spaces to allow an artist to work more than one day out of a three-day lottery period. She urged the Commissioners to not lower the fee. At the same time, she expressed reservation about raising the fee to the level proposed by the

Program Director. She said she was having a hard enough time covering the present \$350 fee. The economy right now was so bad that she often experienced zero-dollar days. It did not seem right, she said, to increase the fee without increasing the number of spaces.

Commissioner Anderson stated that he saw a legitimate concern which his committee should address: an increase of artists without an increase in spaces would greatly infringe upon the opportunities of the artists.

Street Artist John Thomey noted from the Program Director's "Graduated Certificate Fee Increase Proposal" that the Program spends 7% of its budget on compensation for the Advisory Committee and 82% on salaries for two full-time employees, which, he said, represented approximately \$128-130,000 for two people. It seemed that the amount, when most of the artists were struggling, did not seem proper.

The Program Director clarified that the figure comprised total salaries and total fringe benefits and that the rates of the two positions were governed by City and union agreement.

Mr. Thomey asked that the Program do more trimming of the remaining 11% of the budget.

Commissioner Freebairn-Smith commented that all prices will rise, hopefully, gently during the present economic period. All retailing in the city was becoming a little more expensive every year - it always does, he said - and Mr. Thomey's income should increase with the rest of the business world.

Mr. Thomey responded that he attracts customers who ask him to sell his products at half price, and that these are the only customers available.

Director of Cultural Affairs Newirth stated that when he started working for the Arts Commission ten years ago, there were three staff people in the Street Artists Program; one of these positions, the full-time Art Inspector, was eliminated (to prevent a fee increase). Mr. Lazar, he said, was presently doing an incredible amount of work with the present staff. If anything, Mr. Newirth said, Mr. Lazar and his assistant Toni Worthy were worth much more than they receive. Secondly, during the last ten years there were no fee increases for the street artists - despite the fact that the cost of living went up and people's incomes went up. In essence, the present situation, with the Program being run in a deficit, was that the artists who were enrolled in the Program five to ten years ago were now subsidizing current street artists. What the staff's proposal was intending to do was to try to take this factor into account so that the impact on the artists would be as minimal as possible while gradually making the Program entirely self-supporting.

Mr. Newirth added that his chief concern was the longevity of the Program, its existence in the future. As an administrator making a policy recommendation to the Commissioners, he stated that it would be negligent on his part to not do something pragmatic in a business sense for the sustenance of the Program.

Street Artist Robert Clark urged the Commissioners to follow the law, consider the surplus in the fee scheduling, and reduce the fee accordingly. He stated that for ten

years the Program had a \$150,000 surplus; if it were factored in, Mr. Clark's fee would be lowered to \$10 per quarter for the next year. As a result, no one would drop out of the Program, and all the new artists coming into the Program would also stay. With respect to Ms. Pete's apprehension about a possible 500 people in the Program, Mr. Clark stated that when the fees are very low, as they were in the past, many artists come into the Program and keep their licenses as a "safety valve" and do not show up on the streets. An increased base of artists would share the following year's costs, and the increased fee would be only approximately \$200.

With respect to Mr. Newirth's statement about the fee not increasing in ten years, Mr. Clark stated that the artists had not had a fee *reduction* in ten years, even though there had been a surplus. He himself had paid for part of that money and was told, he said, that it was going to be used to run the Program and keep his fee low. He saw the Commission as holding onto his money until he dropped out of the Program, only to use it afterward to patch up the budget to save the Program. He said he was offended by this. He went on to say that the law dictated that the Program not be run as a business, that the Commissioners were required to consider the surplus as revenue in deciding whether to raise or lower the fee; if the Commissioners chose not to do this, then, as far as Mr. Clark was concerned, they were "embezzling the funds".

Commissioner Anderson stated that the Commissioners were working in behalf of Mr. Clark and the artists.

Program Director Lazar stated that, with regard to the issue raised over the possibility of one ordinance of incremental fees being contrary to law, he would ask the City Attorney to again review the matter in light of the information furnished by the Clarks.

In closing public testimony, Commissioner Freebairn-Smith stated that he was not persuaded by the argument that if the fee were lowered, the street artist membership would enlarge itself and if the fee were raised, the membership would shrink. He favored the moderation of the fiscal planning inherent in the proposal; he saw it as a relatively gentle scale of increase, and it represented a policy which the Arts Commission could change if the economy dramatically changed.

Commissioner Brother Elk asked Mr. Lazar for his interpretation of whether the Commission may have been in violation with regard to the surplus. Mr. Lazar responded that the City Attorney's office had clarified to him that the Commission had not been in violation in its use of the surplus to shore up the Program's deficit budgets over the past four years, and that the office had expressed that the Program's usage of the surplus was in keeping with "prudent fiscal policy".

Commissioner Brother Elk stated that for the past year he had heard severe fears expressed by artists regarding the Program's long-term stability. He wanted to see the Program be a well-funded, well-budgeted, stable program so that its artists would not have to feel fearful from one year to the next about what their fee would be. He saw the job of the Commissioners as keeping the Program as stable as possible. He again cited the Program as being one of the thriftiest programs run by City government, and again expressed the view that it was *under budgeted* - a problem which the Commissioners could not readily address in the current economic climate. He wanted to be assured that, in the current City's deficit climate, the Street Artists Program

stayed on sound footing; the plan being offered by staff, he said, did exactly that. It showed careful thought, planning, and attention in moving the Program up gradually from a deficit situation so that one day it would again be entirely self-supported by its annual revenue. He added that he wanted artists to have a good idea of what their fee would be, not three months or six months in advance, but years in advance. His impression from the artists with whom he had spoken was that their Program represented a long-term commitment for them.

Commissioner Anderson agreed that the long-term commitment and stability of the Program were important to the artists and to the Commissioners and staff. He also accepted what he called an obligation to pursue additional selling spaces in order to increase the artists' opportunities. He saw the Committee's role as that of working with the artists, even though some decisions might be unpopular but would be made in the best interest of the Program.

Commissioner Freebairn-Smith clarified from staff that the policy implications of the reduction in the Program's deficit was heading toward a stabilized, self-sufficient program.

Mr. Lazar stated that that had been the Commission's premise when it voted on the initial increase a year ago.

Commissioner Brother Elk moved approval of amending the proposed ordinance increasing street artist fee to provide for a specific fee for each of the fiscal years 2002-03, 2003-04, 2004-05, and 2005-06; the motion was seconded by Commissioner Anderson and unanimously approved.

2. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Paula Grundman - Certificate # 5795. Program Director Lazar reported that Ms. Grundman's request for a postponement of her hearing had been granted.

3. HEARING AND POSSIBLE MOTION TO APPROVE SUSPENSION OR REVOCATION OF CERTIFICATE

Kan Wen Chong - Certificate #5777. Alleged violations: (1) Selling in a location not designated by Board of Supervisors, 2nd offense; (2) exceeding display length regulation; (3) exceeding display width regulation; (4) exceeding display height regulation.

Mr. Chong was not present. In keeping with the Arts Commission's Hearing Procedure of Street Artist Violations (a copy of which had been mailed to Mr. Chong on October 30, 2002), the Committee heard the case. (Mr. Chong had been informed by letter that his failure to appear could result in a Program Committee recommendation of the penalty for the violations of which he had been charged.)

Program Director Lazar reported on the incident involving the above violations of September 28, 2002. He reported that Mr. Chong had refused to remove his display and leave a non-designated location (next to Franceschi's Restaurant on Jefferson Street) upon the request of the Program Director and the adjacent property owner; he

was made to leave only upon the order of a summoned police officer.

The Commissioners reviewed the Program Director's detailed written report of the incident, as well as photographs taken by street artist Yuriy Bihusyak of Mr. Chong committing the alleged violations. The Program Director described how Mr. Chong's display of clothing and other items took up twenty feet of space.

The Commissioners also acknowledged that Mr. Chong a year before had served a three-week suspension of his certificate for selling in illegal locations, and that the Commissioners had deferred his suspension until after the winter holiday selling season. Six months later, the Program received a report of Mr. Chong allegedly selling again in an illegal location; the Program Director on July 18, 2002 sent him a written warning against continuing to do so and reminding him of the suspension he had served.

The Commissioners reviewed the Commission's standard penalties for the above violations: suspension periods of six weeks for a second offense of selling in a non-designated location and three weeks each for first offenses of exceeding the display length, width, and height regulations - a total of fifteen weeks.

Commissioner Freebairn-Smith expressed that the Commissioners had been compassionate in their previous decision regarding Mr. Chong's violations.

Commissioner Brother Elk expressed that, in his previous hearing, the Commissioners had a long discussion with Mr. Chong on his violations and the rules of the Program; the Commissioner felt it was impossible that Mr. Chong by now would not know the rules.

Commissioner Brother Elk moved that Mr. Chong be found in violation of selling in a location not designated by the Board of Supervisors, 2nd offense, and of exceeding the display length, width, and height regulations, 1st offense; the motion was seconded by Commissioner Anderson and unanimously approved.

Commissioner Brother Elk moved that Mr. Chong's certificate be suspended for a total of fifteen weeks commencing June 1, 2003; the motion was seconded by Commissioner Anderson and unanimously approved.

4. REPORT BY PROGRAM DIRECTOR

Program Director Lazar referred the Commissioners to the September 5, November 1, and November 12, 2002 letters from street artists Robert and William Clark requesting that certain corrections be made to the Committee's minutes of August 14 and October 9, 2002. (The letters had been forwarded to the Commissioners earlier.)

Commissioner Brother Elk stated his view that the purpose of minutes is to record his Committee's votes in an official manner and that the person taking the minutes has the right to interpret the discussions in whatever way the minutes-taker feels is appropriate. The Commissioner did not see any point to amending the minutes, as a meeting's interpretation was the responsibility of the Program Director.

Commissioner Anderson expressed agreement with this. He stated that a good job

was done of the minutes, and that going back to amend any portion would be ludicrous.

Director of Cultural Affairs Newirth suggested that at some point the Commissioners and the Program Director might wish to discuss trimming the length of future minutes because of the time commitment involved in their writing.

Commissioner Anderson agreed and said that the Program Director's talent and energy were best served for his other tasks in the Program.

No vote was taken to amend the minutes.

There being no new business, Commissioner Freebairn-Smith adjourned the meeting at 4:55 p.m.

Respectfully submitted:
Howard Lazar
Street Artists Program Director

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January 16, 2003



- San Francisco
= Arts Commission

≡ STREET ARTISTS COMMITTEE

Wednesday, February 12, 2003

3:00 p.m.

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≡ Agenda

I. HEARING AND POSSIBLE MOTION TO APPROVE SUSPENSION OR REVOCATION OF CERTIFICATE

Sonia Davis - Certificate #4945. Alleged violation: Selling items not of the artist's own creation (commercially manufactured fabricated metal jewelry).

On January 23, 2003, the Advisory Committee of Street Artists and Craftsmen Examiners conducted a studio visit with regard to certain jewelry items on Ms. Davis's display as photographed by the Program Director. The purpose of the studio visit was to verify whether the items were created by Ms. Davis. In making its findings, the Advisory Committee, based on the evidence presented, could not verify that the items in question were of the artist's own creation.

2. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF

CERTIFICATE OR RENEWAL OF CERTIFICATE

Dennis Gonzales - Certificate #2338 (expired October 29, 2002). Alleged violation: Conducting business in a disorderly, improper, hazardous manner; assaulting Street Artist Eberardo Hernandez.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold the issuance or renewal of a street artist's certificate if the artist is charged with the violation of conducting business in a disorderly, improper, or hazardous manner/assaulting a street artist. This charge belongs to the category of "serious violations" which are considered by the Commission to include "violations of a violent or threatening nature and violations that significantly threaten the integrity of the Street Artists Program." Renewal of Mr. Gonzales's certificate has been withheld pending hearing with the Street Artists Committee.

3. REPORT BY PROGRAM DIRECTOR**4. NEW BUSINESS****5. ADJOURNMENT**

[[ACCESSIBILITY INFORMATION](#) | [Street Artists Committee](#) | [Meetings Index](#)]

January 27, 2003

x

- San Francisco
= Arts Commission

≡ STREET ARTISTS COMMITTEE

Wednesday, February 12, 2003

DOCUMENTS DEPT.

3:00 p.m.

NOV 26 2003

25 Van Ness Avenue, Suite 70, San Francisco, California

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≡ Minutes

Commissioners Present: Dugald Stermer, Andrew Brother Elk, Rod Freebairn-Smith

Commissioners Absent: Kirk Anderson, Denise Roth

Staff Present: Richard Newirth, Director of Cultural Affairs; Howard Lazar, Street Artists Program Director; Antoinette Worthy, Certification Clerk

In attendance were attorney Robert Pimm and street artists David Campos, Dennis Dooley, Eberardo Hernandez, and Edward Steneck.

Commissioner Stermer, Chair, called the meeting to order at 3:07 p.m.

I. REPORT BY PROGRAM DIRECTOR

Program Director Lazar, conveying a request by street artists Robert and William

Clark, asked that a certain correction be made to the Committee's minutes of October 9, 2002.

Commissioner Brother Elk moved that page 13, line 29, of the Street Artists Committee's minutes of October 9, 2002 be corrected by replacing the phrase "to give the name of any person who offered to help her with the lottery" with the phrase "to give the name of any person who asked her for a duplicate blue slip", the full statement to read as follows: "Mr. Robert Clark, through the chair, asked Ms. Havet to give the name of any person who asked her for a duplicate blue slip." The motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

2. HEARING AND POSSIBLE MOTION TO APPROVE SUSPENSION OR REVOCATION OF CERTIFICATE

Sonia Davis - Certificate # 4945. Alleged violation: Selling items not of the artist's own creation (commercially manufactured fabricated metal jewelry).

Program Director Lazar reported that the Advisory Committee of Street Artists and Craftsmen Examiners conducted a studio visit with regard to certain jewelry items on Ms. Davis's display as photographed by the Program Director. The purpose of the studio visit was to verify whether the items were created by Ms. Davis. In making its findings, the Advisory Committee, based on the evidence presented, could not verify that the items in question were of the artist's own creation.

The Commissioners examined the photos of Ms. Davis's display and reviewed the notes of the Advisory Committee which reflected that (a) Ms. Davis showed no receipts describing the copper wire which was used in the rings shown in the photos, (b) the receipts did not indicate the type of wire, (c) the receipts were no older than April, 2001, (d) the bracelet which Ms. Davis showed was not the same (in workmanship and refinement) as the refined silver and stone bracelets on her display, (e) the necklace which Ms. Davis showed did not match those on her display, (f) Ms. Davis did not present a sufficient amount of finished and unfinished samples of her jewelry nor furnish the required items as requested in a letter to her by the Program Director, (g) Ms. Davis did not demonstrate making the items in question, and (h) the Advisory Committee did "not feel confident that she makes all" of the items on her display and was "not convinced that the items in question are made by" Ms. Davis.

Mr. Lazar stated that, prior to the studio visit, Ms. Davis honored an agreement she made with the Arts Commission to discontinue selling the questionable items until examined by the Advisory Committee.

Mr. Robert Pimm, attorney representing Ms. Davis in her absence, stated that some of the problems his client had in providing receipts at her studio visit were due to her no longer having many of the receipts, tools, and materials. Nevertheless, he said, Ms. Davis accepted fully that she failed to submit the questionable items to examination prior to selling them, and she now understood that she is required to submit for a screening any new item which she wishes to sell; therefore, she wanted the commissioners to know that this problem will not arise again. Mr. Pimm added that his client wished to waive her right to appeal to the Board of Appeals in order to have her suspension commence as soon as possible.

In response to a question by Commissioner Stermer, Program Director Lazar recommended that Ms. Davis serve the standard penalty of a 2-month suspension of her certificate and that the suspension be not deferred to summer or any other significant selling season because Ms. Davis had honored her agreement to remove the questionable items.

Commissioner Brother Elk moved confirmation of the findings of the Advisory Committee of Street Artists and Craftsmen Examiners and that Sonia Davis be found in violation for selling items not of her own creation; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

In response to a question by Commissioner Brother Elk, Mr. Pimm stated that his client understood that everything for display on her table has to be made by her and has to have prescreened, and that this was for her own protection against accusations by other artists.

Commissioner Brother Elk moved that Ms. Davis's certificate be suspended for a period of two months commencing February 20; the motion was seconded by Commissioner Freebairn-Smith.

Street Artist Edward Steneck asked the commissioners to consider mitigating the suspension period because of the current poor economic climate.

Program Director Lazar urged, in deference to the artists who make everything they sell and also have to endure the current economic climate, that the suspension not be mitigated.

Commissioner Brother Elk noted that the proposed suspension was a standard penalty, and that the case was not one of extraordinary circumstances which would warrant mitigation of the penalty.

Commissioner Stermer stated that the appropriateness of the standard penalty for this case was in the best interest of the Program.

The motion was unanimously approved.

3. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Dennis Gonzales - Certificate #2338 (expired October 29, 2002). Alleged violation: Conducting business in a disorderly, improper, hazardous manner; assaulting Street Artist Eberardo Hernandez.

Program Director Lazar clarified that, by its nature, the alleged violation was considered by the Arts Commission to be a "serious violation". In wording provided by the City Attorney, the "NOTICE TO STREET ARTISTS" issued December 10, 1996 states that "serious violations" committed by street artists include "violations of a violent or threatening nature and violations that significantly threaten integrity of the Street Artists Program." Such violations result in a withholding of the artist's certificate by the Director of Cultural Affairs pending hearing by the Street Artists

Committee. In this case, Mr. Gonzales's certificate was withheld and it ultimately expired. The hearing was to determine whether it should be renewed or a new certificate issued should Mr. Gonzales so request this.

Mr. Gonzales was not present.

Street Artist Eberardo Hernandez described the incident. Despite Mr. Gonzales owing him money, Mr. Hernandez and he had peacefully coexisted until September 29, 2002. On that day Gonzales made derogatory comments to him as Hernandez passed by his booth on Beach Street; Hernandez responded with a finger gesture (which, he said, was wrong of him to do so); Gonzales pursued him to his selling location on the same street; Hernandez turned around and received a blow on his face by Gonzales which broke his skin and caused his eyeglasses to fall. Street artist David Campos stepped in between them. Gonzales invited Hernandez to continue the fight. Hernandez called the police; an officer came and cited both of them as citizen arrests summoning both to court. Later that day, one of the street artist Clark brothers videotaped Gonzales stating that he was sorry, that he should not have done what he had done; this, however, was not an apology made directly to Hernandez.

Street Artist David Campos told the commissioners that, at the time of the incident, he was one space away from Mr. Hernandez's. His back was to him; when he heard the commotion, he turned and saw Hernandez picking himself up (although he did not think he had fallen to the ground). Hernandez and Gonzales pushed each other, and Mr. Campos stepped in between them.

The commissioners reviewed Mr. Hernandez's written report to the Program Director received the day after the incident. The commissioners also reviewed the written statements submitted by Mr. Gonzales in the weeks following the incident: the statements maintained that Hernandez put his hands on him and that Gonzales hit him in self-defense.

Mr. Hernandez denied this.

Street Artist Dennis Dooley described an incident involving himself and Mr. Gonzales seven years ago which, he, Dooley, regretted not reporting at the time. Prior to the incident, Gonzales had been hawking customers, a practice frowned upon by the street artists; when Dooley asked him to stop hawking, Gonzales got angry; in the end, both agreed not to sell next to each other. Several months later, Gonzales moved into a vacated space next to Dooley. When Dooley reminded him of their "gentleman's agreement", Gonzales punched him in the chest. Street Artist Kris Pokorny stepped in between them. Gonzales packed up and left. Pokorny urged Dooley to report the incident, but Dooley did not. The next morning Gonzales apologized to him but told him that he really felt Dooley should have defended himself with his arms. Dooley was relating the incident now because he felt it was an opportune time.

Commissioner Stermer commented that he has an office near the Delancey Street Foundation whose policy is that if an individual even *threatens* violence, the individual is thrown out of the organization without appeal. The Commissioner stated that he felt very strongly about the issue of Mr. Gonzales's behavior, especially after hearing of the previous incident, and was not inclined to let him back into the

Program.

Commissioner Brother Elk commented that it bothered him that Mr. Gonzales was not present to address such a serious charge against him. He added that he felt any assault was grounds for not renewing a certificate.

Program Director Lazar clarified that Mr. Gonzales, who lives in New Mexico, was mailed a notice of the hearing two months in advance.

In response to a question by Commissioner Stermer as to the frequency of physical violence in the Street Artists Program, the Program Director stated that, to the best of his memory, the last incident of physical violence occurred nearly twenty years before, which resulted in certificate revocation.

Commissioner Stermer commented that, despite all the emotions prevalent in the Program, the street artists have handled themselves with decorum and grace, and he did not want to see the present case dismissed lightly. He wanted the other artists to know that the Commission would protect them.

Commissioner Brother Elk moved that Dennis Gonzales be found in violation for conducting business in a disorderly, improper, hazardous manner by assaulting a street artist; the motion was seconded by Commissioner Freebairn-Smith.

Commissioner Freebairn-Smith moved that issuance or renewal of certificate for Mr. Gonzales be disapproved; the motion was seconded by Commissioner Brother Elk and unanimously approved.

There being no new business to consider, Commissioner Stermer adjourned the meeting at 3:50 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

[[ACCESSIBILITY INFORMATION](#) | [Street Artists Committee](#) | [Meetings Index](#)]

February 14, 2003



SAN FRANCISCO ARTS COMMISSION

RICHARD NEWIRTH
DIRECTOR OF CULTURAL AFFAIRS

75

1/03

PROGRAMS

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PERFORMING ARTS
PUBLIC ART
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COMMUNITY ARTS
& EDUCATION
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STREET ARTISTS LICENSES
SUITE 60

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NOTICE

The meeting of the STREET ARTISTS PROGRAM COMMITTEE scheduled for **Wednesday, March 12, 2003** has been **cancelled** due to lack of quorum.

The next meeting of the Street Artists Program Committee is scheduled for **Wednesday, April 9, 2003 at 3:00 p.m.** in the Arts Commission's Conference Room, Suite 70, 25 Van Ness Avenue, San Francisco.

Street Artists Program

March 5, 2003

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CITY AND COUNTY OF
SAN FRANCISCO



SAN FRANCISCO
ARTS COMMISSION

STREET ARTISTS COMMITTEE

Wednesday, April 9, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70, San Francisco, California

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Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound producing electronic devices.

Agenda

I. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Paula Grundman - Certificate # 5795 (expired December 27, 2002). Alleged violations: (1) Selling within five feet of fire hydrant; (2) Selling in a location not designated by Board of Supervisors, **2nd offense**; (3) Selling items not certified by Arts Commission, **2nd offense**; (4) Conducting business in a disorderly, improper, hazardous manner: (a) threatening in writing Street Artist Susan Pete; (b) threatening verbally, and disrupting businesses of, Street Artists Barbara Michalak, Albina Pietrzak, John Thomey.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold the issuance or renewal of a street artist's certificate if the artist is charged with the violation of selling items not certified by the Arts Commission and/or conducting business in a disorderly, improper, or hazardous manner (threatening and/or disrupting businesses of street artists). Such charges belong to the category of "serious violations" which are considered by the Commission to include "violations of a violent or threatening nature and violations that significantly-

threaten the integrity of the Street Artists Program." Because of the above charges #3 and #4, the issuance or renewal of Ms. Grundman's certificate has been withheld pending hearing with the Street Artists Committee.

II. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Benjamin Delgado - Certificate #5670. Alleged violation: Selling items not of the artist's own creation (leather & cowrie shell bracelets; metal & metallic cord necklaces; commercially manufactured pendants on cords).

On February 27, 2003, the Advisory Committee of Street Artists and Craftsmen Examiners examined Mr. Delgado's wares for the purpose of verifying whether certain items in question were created by Mr. Delgado. In making its findings, the Advisory Committee, based on the evidence presented, could not verify that the items in question were of the artist's own creation. Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold the issuance or renewal of a street artist's certificate if the artist is charged with the violation of selling items not of the artist's own creation.

III. HEARING AND POSSIBLE MOTION TO APPROVE RESCISSION OF AMENDMENT TO LOTTERY RULE V WHICH PROHIBITS ANY LOTTERY COMMITTEE MEMBER WHO HAS SERVED TWELVE (12) MONTHS CONSECUTIVELY FROM BEING CONSIDERED AT THE NEXT TIME OF THE COMMITTEE'S SELECTION OF MEMBERS

IV. HEARING AND POSSIBLE MOTION TO APPROVE PROPOSAL BY PROGRAM DIRECTOR FOR STREET ARTIST SELLING SPACES ON JEFFERSON STREET, BETWEEN MASON STREET AND THE EMBARCADERO

On September 9, 2002, the full Arts Commission voted to authorize the Street Artists Program Director to draw a map of proposed legal spaces on Jefferson Street, between Mason Street and the Embarcadero (as well as spaces north of Pac Bell ballpark), and to propose such spaces to the Port Commission for approval. Such spaces require approval of both the Board of Supervisors and the Port Commission.

V. REPORT BY PROGRAM DIRECTOR

VI. NEW BUSINESS

VII. ADJOURNMENT

[[ACCESSIBILITY INFORMATION](#) | [Street Artists Committee](#) | [Meetings Index](#)]

March 17, 2003

ACCESSIBILITY INFORMATION

Pursuant to City Policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.

Full Commission Meetings, and individual Committee Meetings of the Arts Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness, suite 70, basement level, unless another site is specified. Suite 70 can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains: stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses: serving the area of Van Ness and Market.

Civic Center BART: located at the intersection of Grove, Hyde, and Market Streets

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Donna Hall: By Mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Hall or print Chapter 67 of the San Francisco Administrative Code on the internet @ www.sfgov.org/bdsupvrs/sunshine.htm



- San Francisco
= Arts Commission

STREET ARTISTS COMMITTEE

Wednesday, April 9, 2003

DOCUMENTS DEPT.

3:00 p.m.

NOV 26 2003

25 Van Ness Avenue, Suite 70, San Francisco, California

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Minutes

Commissioners Present: Dugald Stermer, Rod Freebairn-Smith, Denise Roth

Commissioners Absent: Kirk Anderson

Staff Present: Richard Newirth, Director of Cultural Affairs; Howard Lazar, Street Artists Program Director; Antoinette Worthy, Certification Clerk

In attendance were Leigh Ann Baughman, Executive Director of Union Square Business Improvement District, Mathew Porkola, Chairman of Advisory Committee of Street Artists and Craftsmen Examiners, and street artists Oscar Bevilacqua, Linda Hagen, Kathleen Hallinan, Steve Kogan, Barbara Michalak, Susan Pete, Albina Pietrzak, Pamela Quattrochi, John Thomey, Sean Yore.

Commissioner Stermer, Chair, called the meeting to order at 3:30 p.m.

I. HEARING AND POSSIBLE MOTION TO APPROVE PROPOSAL BY PROGRAM DIRECTOR FOR STREET ARTIST SELLING SPACES ON JEFFERSON STREET, BETWEEN MASON STREET AND THE EMBARCADERO

In accord with the Arts Commission's September 9, 2002 vote to authorize the Program Director to draw a map of proposed street artist spaces on Jefferson Street, Program Director Howard Lazar submitted his drawings of 31 proposed spaces on Jefferson Street, north side, Mason to Powell Streets. He stated that the spaces would meet the public safety requirements of the street artists ordinance. He thanked street artists Kathleen Hallinan, Oscar Bevilacqua, and Robert Siu for their assistance in surveying the proposed area and for their suggestion to place most of the spaces in front of the adjacent parking lot, rather than at curbside. Mr. Lazar further reported on a meeting he attended with Port Commission property managers of the Fisherman's Wharf area.

The Commissioners commented that the area of Jefferson Street in question was the site of public safety obstructions and other hazards created by unlicensed vendors, card-game hustlers, panhandlers, inebriates, and the homeless. The Commissioners observed that the proposal, if approved by the Board of Supervisors and the Port Commission, could replace these problems with a well-monitored and regulated program of licensed street artists selling in specific legal spaces. After discussion, Chairman Stermer directed Mr. Lazar to request the Port to place the proposal on the May 20th agenda of the Port's Fisherman's Wharf Waterfront Advisory Group and to present the proposal at the meeting.

2. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Paula Grundman - Certificate # 5795 (expired December 27, 2002). Alleged violations: (1) Selling within five feet of a fire hydrant; (2) Selling in a location not designated by the Board of Supervisors, **2nd offense**; (3) Selling items not certified by the Arts Commission, **2nd offense**; (4) Conducting business in a disorderly, improper, hazardous manner by (a) threatening in writing a street artist and (b) threatening verbally, and disrupting the businesses of, street artists.

Ms. Grundman was not present. She had been notified that failure to appear could result in a Street Artist Committee recommendation of the penalty for the violations of which she had been charged.

Mr. Lazar clarified that, under the authority of the Arts Commission's Section 5 procedures, the Director of Cultural Affairs had withheld the issuance or renewal of Ms. Grundman's certificate because of the charges of selling items not certified by the Commission and of conducting business in a disorderly, improper, hazardous manner/threatening and disrupting the businesses of street artists. Such charges, according to the language of the procedures, belong to the category of "*serious violations*" which are considered by the Commission to include "*violations of a violent or threatening nature and violations that significantly threaten the integrity of the Street Artists Program.*"

Relative to these charges, the Program Director introduced as evidence the following documentary material and testimony of witnesses who responded to questions by the Commissioners:

Leigh Ann Baughman, Executive Director of Union Square Business Improvement District, testified to having observed Ms. Grundman on November 12, 2002, selling

next to a fire hydrant on the southeast corner of Geary Street, at Stockton Street. Ms. Baughman further testified to having seen Ms. Grundman selling in other locations not designated by the Board of Supervisors. Mr. Lazar presented photographs of Ms. Grundman allegedly selling within five feet of the same fire hydrant on December 8, 2002.

The Program Director presented photographs of Ms. Grundman allegedly selling on November 10, 2002 in a location not designated by the Board of Supervisors: former temporary winter holiday space "Z-54" on Stockton Street, east side, at Geary Street. He stated that he had previously received reports from other artists who said that Ms. Grundman had been selling in the space many times. Mr. Lazar had verbally warned her against continuing to do so. As Ms. Grundman last year had been found in violation and had been suspended for selling in an illegal location, the present incident constituted a second offense.

Mathew Porkola, Chairman of the Arts Commission's Advisory Committee of Street Artists and Craftsmen Examiners, testified to the written report, presented as evidence, that his committee had observed Ms. Grundman selling on November 16, 2002, items not certified by the Commission. The report said they were *"numerous mother of pearl and abalone non-artist made pendants suspended on non-adorned cords"* which Ms. Grundman *"declined to remove ..."* Mr. Porkola further stated that this was one of numerous instances in which his committee had observed Ms. Grundman selling items that were not certified and not of her own creation. Mr. Lazar pointed out that, as Ms. Grundman last year had been found in violation and had been suspended for selling uncertified items, the present incident constituted a second offense.

Mr. Lazar submitted a November 1, 2002 letter written by Ms. Grundman which stated: *"One day I will loose my cool and smack Ms. Thing"* (street artist Susan Pete). Former street artist Pamela Quattrochi testified to being in the space next to Albina Pietrzak on December 1, 2002 and witnessing Ms. Grundman harass and verbally threaten Ms. Pietrzak with the repeated words "You're going down." Street artist Barbara Michalak testified that Ms. Pietrzak, her 77-year-old mother, has a heart condition and, at the time of the incident, was recovering from heart surgery. Ms. Michalak also testified to having her own business disrupted many times during the course of the day of November 30, 2002, by Ms. Grundman. Street artist John Thomey testified to Ms. Grundman threatening him on October 19, 2002 with the statement "I am coming after you next" and disrupting a potential sale. Ms. Susan Pete corroborated Mr. Thomey's testimony and also described how she herself had been harassed on the same day by Ms. Grundman.

The Commissioners heard testimony regarding other incidents of alleged violation by Ms. Grundman:

Street artists Linda Hagen and Sean Yore testified to being harassed and threatened by Ms. Grundman on November 23, 2002 for a continuous five hours which resulted in their loss of business. They submitted photos of the incident that also depicted Ms. Grundman's table in an illegal location: the center of the sidewalk of Geary Street facing the Neiman-Marcus store.

Street Artist Steve Kogan testified to a December 22, 2002 incident in which the

police had to be called to remove Ms. Grundman from the selling space ("Z-54") which belonged by lottery to Mr. Kogan and his unit member Ching Sun. After the police removed her, Mr. Kogan stated, Ms. Grundman thereafter "threatened" for the duration of the winter holiday season "that she was going to get us."

The Commissioners ascertained that no one was present to speak in Ms. Grundman's defense.

Commissioner Roth moved that Paula Grundman be found in repeated violations of the street artists ordinance by (1) selling within five feet of a fire hydrant; (2) selling in a location not designated by the Board of Supervisors, 2nd offense; (3) selling items not certified by the Arts Commission, 2nd offense; and (4) conducting business in a disorderly, improper, hazardous manner by (a) threatening in writing a street artist and (b) threatening verbally, and disrupting the businesses of, street artists. The motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

Commissioner Roth moved that issuance of a certificate to Ms. Grundman be denied; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Benjamin Delgado - Certificate # 5670. Alleged violation: Selling items not of the artist's own creation.

Mr. Delgado was not present. Program Director Lazar submitted a March 21, 2003 letter by Mr. Delgado which stated that he would not appear and that he wanted to accept the penalty for his violation and to have it commence as soon as possible.

Mr. Lazar presented a November 30, 2002 written report by the Advisory Committee of Street Artists and Craftsmen Examiners with accompanying photographs of Mr. Delgado allegedly selling items not of his own creation: leather and cowrie shell bracelets, metal and metallic cord necklaces, and commercially manufactured pendants on cords. Mr. Lazar also presented a June 29, 2002 report by the Advisory Committee which stated that Mr. Delgado had been warned against continuing to sell commercially manufactured pendants; photos of his display of these items had accompanied the report. At the invitation of the Program staff, Mr. Delgado, on February 27, 2003, had submitted wares to the Advisory Committee for the purpose of verifying whether he had created the items observed by the Committee. Based on the samples he presented, the Advisory Committee could not verify that the items in question were of his own creation.

Commissioner Roth moved that Benjamin Delgado be found in violation of the street artists ordinance by selling items not of his own creation; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

Commissioner Freebairn-Smith moved that the certificate of Mr. Delgado be suspended for a period of two months; the motion was seconded by Commissioner Roth and unanimously approved.

3. HEARING AND POSSIBLE MOTION TO APPROVE RESCISSION OF AMENDMENT TO LOTTERY RULE V WHICH PROHIBITS ANY LOTTERY COMMITTEE MEMBER WHO HAS SERVED TWELVE (12) MONTHS CONSECUTIVELY FROM BEING CONSIDERED AT THE NEXT TIME OF THE COMMITTEE'S SELECTION OF MEMBERS

Lottery Committee members Kathleen Hallinan and Susan Pete expressed their support of rescinding the amendment. They explained that it was difficult to find street artists willing to serve on the Lottery Committee during slow season months, and that the present amendment to Lottery Rule V precluded any willing member who served for twelve consecutive months from continuing to serve. Ms. Hallinan explained the duties of the Lottery Committee members and the hours of service they entail.

Commissioner Freebairn-Smith moved to approve rescission of the amendment to Lottery Rule V for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue. The motion was seconded by Commissioner Roth and unanimously approved.

There being no report by the Program Director and no new business to consider, Commissioner Stermer adjourned the meeting at 4:20 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

April 11, 2003

[[ACCESSIBILITY INFORMATION](#) | [Street Artists Committee](#) | [Meetings Index](#)]

April 11, 2003





- San Francisco
= Arts Commission

≡ STREET ARTISTS COMMITTEE

Wednesday, May 14, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70, San Francisco, California

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site: www.ci.sf.ca.us/ethics.

≡ Agenda

I. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Adriel Quintana Loayza - Certificate # 5886. Alleged violations: (1) Selling items not certified by Arts Commission (woven thread bracelets; woven bead necklaces; fabricated silver pendants); (2) Selling items not of the artist's own creation (the above items plus South American-style fabricated metal, stone, bead necklaces and epoxy putty items); (3) Selling in a location not designated by the Board of

Supervisors.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold the issuance or renewal of a street artist's certificate if the artist is charged with the violation of selling items not certified by the Arts Commission and/or selling items not of the artist's own creation. Such charges belong to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street Artists Program." Because of the above charges, the issuance or renewal of Mr. Quintana Loayza's certificate has been withheld pending hearing with the Street Artists Committee.

2. HEARING AND POSSIBLE MOTION TO APPROVE FOR SUBMITTAL TO BOARD OF SUPERVISORS DRAFT ORDINANCE AMENDING THE POLICE CODE BY AMENDING SECTION 2405 TO MODIFY STREET ARTIST REGULATIONS

On October 1, 2001, the full Arts Commission unanimously voted to to approve submittal of an ordinance to the Board of Supervisors to amend the street artist safety regulations of Section 2405(c)(6) and (c)(16) whereby a street artist display would be required to be not within 10 feet, instead of the present 12 feet, of the outer edge of a doorway or entrance and would be required to maintain 8 feet, instead of the present 10 feet, of a pedestrian passageway. A draft ordinance incorporating these provisions will be heard by the Street Artists Committee for possible motion of approval for submittal to the Board of Supervisors.

3. REPORT BY PROGRAM DIRECTOR

4. NEW BUSINESS

5. ADJOURNMENT

[[ACCESSIBILITY INFORMATION](#) | [Street Artists Committee](#) | [Meetings Index](#)]

May 2, 2003



SAN FRANCISCO
ARTS COMMISSION

STREET ARTISTS COMMITTEE

Wednesday, May 14, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70, San Francisco, California

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Notices

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Minutes

Commissioners Present: Dugald Stermer, Kirk Anderson, Denise Roth

Commissioners Absent: Rod Freebairn-Smith

Staff Present: Richard Newirth, Director of Cultural Affairs; Howard Lazar, Street Artists Program Director

In attendance were street artists Linda Hagen, Enrique Perez, Adriel Quintana Loayza, Sean Yore

Commissioner Stermer, Chair, called the meeting to order at 3:11 p.m.

I. HEARING AND POSSIBLE MOTION TO APPROVE ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE

Adriel Quintana Loayza - Certificate # 5886. Alleged violations: (1) Selling items not certified by Arts Commission (woven thread bracelets; woven bead necklaces; fabricated silver pendants); (2) Selling items not of the artist's own creation (the above items plus South American-style fabricated metal, stone, bead necklaces and epoxy putty items); (3) Selling in a location not designated by the Board of Supervisors.

Street Artists Program Director Howard Lazar clarified that, under the authority of the Arts

Commission's Section 5 procedures, the Director of Cultural Affairs had withheld the issuance or renewal of Mr. Quintana Loayza's certificate because of the charges of selling items not certified by the Commission and selling items not of the artist's own creation. According to the language of the procedures, such charges belong to the category of "*serious violations*" which are considered by the Commission to be "*violations that significantly threaten the integrity of the Street Artists Program.*"

In reference to the first two charges, Mr. Lazar submitted as evidence photos he had taken of Mr. Quintana Loayza at Justin Herman Plaza on April 1st. The Program Director reported that, in a hearing just seven months previously, the Commissioners had found Mr. Quintana Loayza in violation of selling items not certified by the Commission and had issued him a warning "*against selling any new item until it is approved.*" In the present situation, while Mr. Quintana Loayza was able to successfully prove to the Commission's screening committee that he could make all of the items in the photos, he had still neglected to have the items screened and certified prior to the incident of violation.

In reference to the third charge, Mr. Lazar submitted a photo he had taken of Mr. Quintana Loayza on Jefferson Street, south side, Mason to Taylor Streets, on Easter Sunday, April 20th. Mr. Quintana Loayza was observed selling on an oversized table next to a group of illegal vendors - adjacent to the Wax Museum - in an area not designated by the Board of Supervisors. The Program Director also submitted a copy of the written warning he had sent Mr. Quintana Loayza on the previous December 13th for selling in a non-designated location.

In summation, the Program Director recommended a withdrawal of the charge of selling items not of the artist's own creation but urged that the charge of selling uncertified items in the face of a warning remain. He recommended that the Commission's standard penalty of two months' suspension of certificate be imposed. He also recommended that a second warning be issued in reference to selling in a non-designated location.

Street Artist Enrique Perez interpreted for Mr. Quintana Loayza. He said that Mr. Quintana Loayza admitted to the charge of selling uncertified items and asked that the Commissioners mitigate the penalties. Mr. Perez further stated that Mr. Quintana Loayza has resided in the United States for only a year and a half and that he was used to "a different mentality" in Peru. Mr. Perez said that he had explained to him how San Francisco's Street Artists Program works, but that Mr. Quintana Loayza was still confused about the reasons for the charges against him.

Commissioner Stermer responded that Mr. Quintana Loayza had been involved in a similar situation last October, and that it was a long time for him to stay "confused". The Commissioner said that at that time his Committee had made its warning clear (through an interpreter and by letter) that Mr. Quintana Loayza would be allowed to sell only items which had been approved through the screening procedure. In view of the fact that the summer selling season was approaching, however, the Commissioner asked his Committee to consider the possibility of issuing Mr. Quintana Loayza a split two-month suspension whereby one half would be served as soon as possible, provided that the artist waived his right of appeal to the Board of Appeals, and the other half would be served after Labor Day.

After lengthy discussion during which Mr. Quintana Loayza, through Mr. Perez, expressed interest in being able to sell during summer, *Commissioner Anderson moved that Adriel*

Quintana Loayza be found in violation of selling items not certified by the Arts Commission; the motion was seconded by Commissioner Roth and unanimously approved.

Commissioner Anderson moved that Mr. Quintana Loayza be found in violation of selling in a location not designated by the Board of Supervisors; the motion was seconded by Commissioner Roth and unanimously approved.

Commissioner Anderson moved that the certificate of Mr. Quintana Loayza be suspended for a period of two months for selling uncertified items, that half the suspension period be served as soon as possible provided that the artist waive his right of appeal to the Board of Appeals, and that the second half of the suspension period be served commencing the day after Labor Day; the motion was seconded by Commissioner Roth and unanimously approved.

Commissioner Anderson moved that Mr. Quintana Loayza be issued a warning against selling in a location not designated by the Board of Supervisors; the motion was seconded by Commissioner Roth and unanimously approved.

Mr. Perez stated that Mr. Quintana Loayza had decided to appeal to the Board of Appeals.

Commissioner Roth moved that the previous motions regarding certificate suspension and warning be rescinded; the motion was seconded by Commissioner Anderson and unanimously approved.

Commissioner Roth moved that the certificate of Mr. Quintana Loayza be suspended for a period of two months for selling items not certified by the Arts Commission, that the certificate be suspended for a period of three weeks for selling in a location not designated by the Board of Supervisors, and that the two suspension periods run consecutively; the motion was seconded by Commissioner Anderson and unanimously approved.

II. HEARING AND POSSIBLE MOTION TO APPROVE FOR SUBMITTAL TO BOARD OF SUPERVISORS DRAFT ORDINANCE AMENDING THE POLICE CODE BY AMENDING SECTION 2405 TO MODIFY STREET ARTIST REGULATIONS

Program Director Lazar reported that the City Attorney's office clarified that, since the Arts Commission had previously voted to approve submittal of an ordinance amending the street artist regulations, it was not necessary for the Commission to vote its approval of the ordinance draft.

The Commissioners reviewed the draft and observed that it contained the following two provisions requested by the Commission: (1) amendment of Section 2405(c)(6) whereby a street artist display would be required to not be within 10 feet, instead of the present 12 feet, of the outer edge of a doorway or entrance; and (2) amendment of Section 2405(c)(16) whereby a street artist display would be required to maintain 8 feet, instead of the present 10 feet, of a pedestrian passageway.

III. REPORT BY PROGRAM DIRECTOR

The Program Director reported on his presentation of the Commission's proposal for additional street artist spaces on Jefferson Street at a meeting of the Fisherman's Wharf Merchants Association. Street Artists Kathleen Hallinan and Oscar Bevilacqua had assisted in the presentation and had responded to questions by the merchants. The three will again present the proposal at next week's meeting of the Port Commission's Fisherman's Wharf Advisory Committee.

There being no new business to consider, Commissioner Stermer adjourned the meeting at 3:55 p.m.

Respectfully submitted:



Howard Lazar
Street Artists Program Director

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May 16, 2003



SAN FRANCISCO ARTS COMMISSION

STREET ARTISTS COMMITTEE

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Wednesday, June 11, 2003

JUN - 9 2003

3:00 p.m.

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25 Van Ness Avenue, Suite 70, San Francisco, California

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Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound producing electronic devices.

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Agenda

I. HEARING AND POSSIBLE MOTION TO APPROVE REQUEST TO BOARD OF SUPERVISORS FOR PERMANENT DESIGNATION OF RELOCATED ELEVEN (11) SELLING SPACES ("H-11" THROUGH "21") ON HYDE STREET, WEST SIDE, BEACH TO JEFFERSON STREETS

On May 17, 1999, the Board of Supervisors adopted Resolution No. 455-99 which relocated on a temporary basis eleven selling spaces from the east side of Hyde Street at Beach Street to the west side of Hyde Street due the displacement of the spaces by the renovation of the Haslett Warehouse (Wharfside Building). The eleven relocated spaces are known to street artists as spaces "H-11" through "21". In authorizing their relocation, the resolution provided that their placement on the west side of the street would terminate upon completion of the renovation of the Haslett Warehouse and restoration of the spaces to the east side of the street. It is the understanding of the staff of the Arts Commission that the

renovation is scheduled for completion in August, 2003.

Because of interest expressed by many street artists, the purpose of the Street Artists Committee's hearing is to determine whether the Arts Commission should request the Board of Supervisors to designate the spaces permanently in their present locations or to allow the spaces to return to their former locations on the east side of Hyde Street.

II. HEARING AND POSSIBLE MOTION TO APPROVE REQUEST TO BOARD OF SUPERVISORS FOR PERMANENT DESIGNATION OF RELOCATED SIX (6) SELLING SPACES ("J-1", "1-A", "1-B", "2", "3" AND "4") ON HYDE STREET, WEST SIDE, AT JEFFERSON STREET

On July 16, 2001, six selling spaces on Jefferson Street, south side, at Hyde Street, were displaced by the renovation of the Haslett Warehouse (Wharfside Building) and relocated, with agreement of the National Park Service, to the west side of Hyde Street at Jefferson Street, fronting Victorian Park. The six spaces are known to street artists as "J-1", "1-A", "1-B", "2", "3" and "4".

Because of interest expressed by many street artists, the purpose of the Street Artists Committee's hearing is to determine whether the Arts Commission should request the Board of Supervisors to designate the spaces permanently in their present location or to allow the spaces the return to their former locations on the south side of Jefferson Street.

III. HEARING AND POSSIBLE MOTION TO AMEND "PROCEDURES FOR SALES SPACE OCCUPANCY RULE" TO REQUIRE STREET ARTISTS TO MARK THEIR SPACES BY EITHER ATTACHING THEIR LOTTERY SLIP TO A WORKING PART OF THEIR DISPLAY (INCLUDING UMBRELLA OR CHAIR) OR TO TAPE THE SLIP TO THE PAVEMENT; AND TO CONTINUE TO PROHIBIT ARTISTS FROM ATTACHING THEIR SLIP TO A BOARD, BRICK, OR OTHER OBJECT NOT OF THE ARTIST'S WORKING DISPLAY

The procedures regarding the street artists' selecting and occupying sales spaces were adopted by the Arts Commission on December 2, 1985 and further amended on June 2 and December 1, 1986. The procedures state that if an artist cannot be present and set up in his/her space by 12:00 noon, the artist "must leave part of their working display with the lottery slip attached to show clearly that the artist intends to return and work that space. A brick, milk box, board, etc., does not constitute a part of the working display" (Street Artists Program handbook, Fifth Edition, February, 1998, page 216).

IV. REPORT BY PROGRAM DIRECTOR

V. NEW BUSINESS

VI. ADJOURNMENT

ACCESSIBILITY INFORMATION

Pursuant to City Policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.

Full Commission Meetings, and individual Committee Meetings of the Arts Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness, suite 70, basement level, unless another site is specified. Suite 70 can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains: stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses: serving the area of Van Ness and Market.

Civic Center BART: located at the intersection of Grove, Hyde, and Market Streets

For more information on accessible transit, call (415) 923-6142.

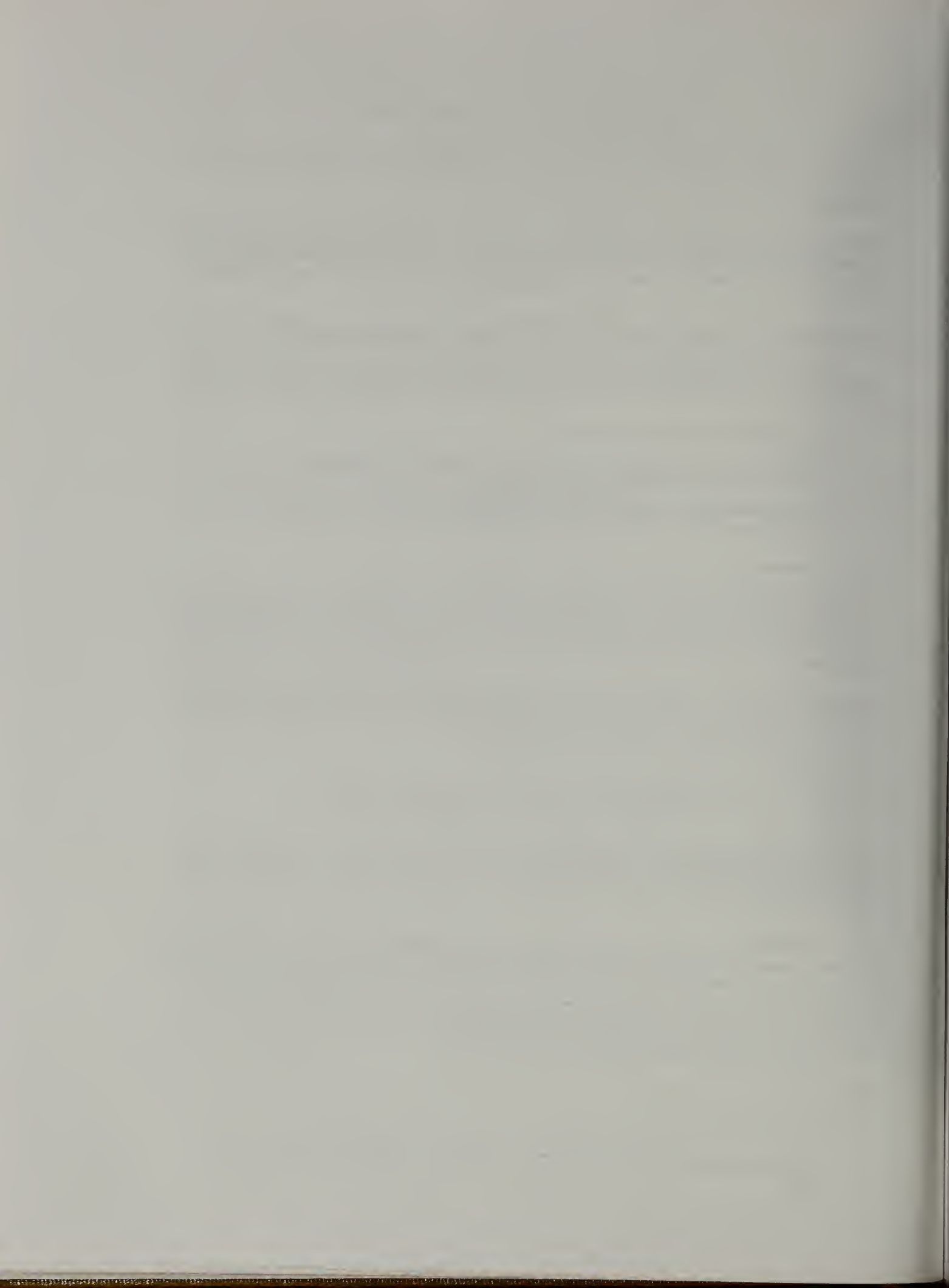
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American Sign Language interpreters and/or a sound enhancement system will be available upon request at meetings. To obtain a disability-related modification or accommodation, including auxiliary aids or services, please contact Michele Liapes, Public Information Officer at (415) 252-2559 at least 72 hours prior to meeting. Late requests will be honored if possible.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

July 09, 2003

STREET ARTIST COMMITTEE

Wednesday, July 9, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70



Agenda

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1. Hearing and possible motion to approve request to Board of Supervisors for permanent designation of relocated eleven (11) selling spaces ("H-11" through "21") on Hyde Street, west side, Beach to Jefferson Streets (continued from 6/11/03 Street Artists Committee meeting)

On May 17, 1999, the Board of Supervisors adopted Resolution No. 455-99 which relocated on a temporary basis eleven selling spaces (known as "H-11" through "21") from the east side of Hyde Street at Beach Street to the west side of Hyde Street due to the displacement of the spaces by the renovation of the Haslett Warehouse (Wharfside Building). In authorizing their relocation, the resolution provided that their placement on the west side of the street would terminate upon completion of the renovation of the Haslett Warehouse and restoration of the spaces to the east side of the street. The renovation is scheduled for completion in August, 2003.

Because of interest expressed by many street artists, the purpose of the Street Artists Committee's hearing is to determine whether the Arts Commission should request the Board of Supervisors to designate the spaces permanently in their present locations or to allow the spaces to return to their former locations on the east side of Hyde Street.

2. Hearing and possible motion to approve request to Board of Supervisors for permanent designation of relocated six (6) selling spaces ("J-1", "1-A", "1-B", "2", "3" and "4") on Hyde Street, west side, at Jefferson Street (continued from 6/11/03 Street Artists Committee meeting)

On July 16, 2001, six selling spaces on Jefferson Street ("J-1", "1-A", "1-B", "2", "3" and "4"), south side, at Hyde Street, were displaced by the renovation of the Haslett Warehouse (Wharfside Building) and relocated, with agreement of the National Park Service, to the west side of Hyde Street at Jefferson Street, fronting Victorian Park. Because of interest expressed by many street artists, the purpose of the Street Artists Committee's hearing is to determine whether the Arts Commission should request the Board of Supervisors to designate the spaces permanently in their present locations or to allow the spaces to return to their former locations on the south side of Jefferson Street.

3. Hearing and possible motion to approve issuance of certificate or renewal of

certificate

Mohamed Ahmed - Certificate #5877. Alleged violations: (1) Having a salesperson sell Mr. Ahmed's items; (2) Selling items not of the artist's own creation (bead and wire chokers from Africa; cast rings; silver and stone flower-pattern inlay bracelets from Mexico).

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold the issuance or renewal of a street artist's certificate if the artist is charged with the violations of having a salesperson and/or selling items not of the artist's own creation. Such charges belong to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street Artists Program." Because of the above charges, the issuance or renewal of Mr. Ahmed's certificate has been withheld pending hearing with the Street Artists Committee.

Miguel Sanchez - Certificate #5898 (expired May 30, 2003). Alleged violation: Selling in a location not designated by Board of Supervisors (second report).

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if a second report has been filed alleging "minor violation" of the ordinance. In such instances, the artist is offered the opportunity of meeting with the Program Director to discuss the report and to request consideration of issuance of certificate. Because Mr. Sanchez chose not to meet with the Program Director, the decision to recommend denial of certificate or renewal is to be heard by the Street Artists Committee.

4. Program Director Report
5. New Business
6. Adjournment

July 2, 2003

Notices

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Public comment in regard to specific items will be taken before or during consideration of the item.

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

July 9, 2003 Meeting Cancelled

STREET ARTIST COMMITTEE

Wednesday, July 9, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70

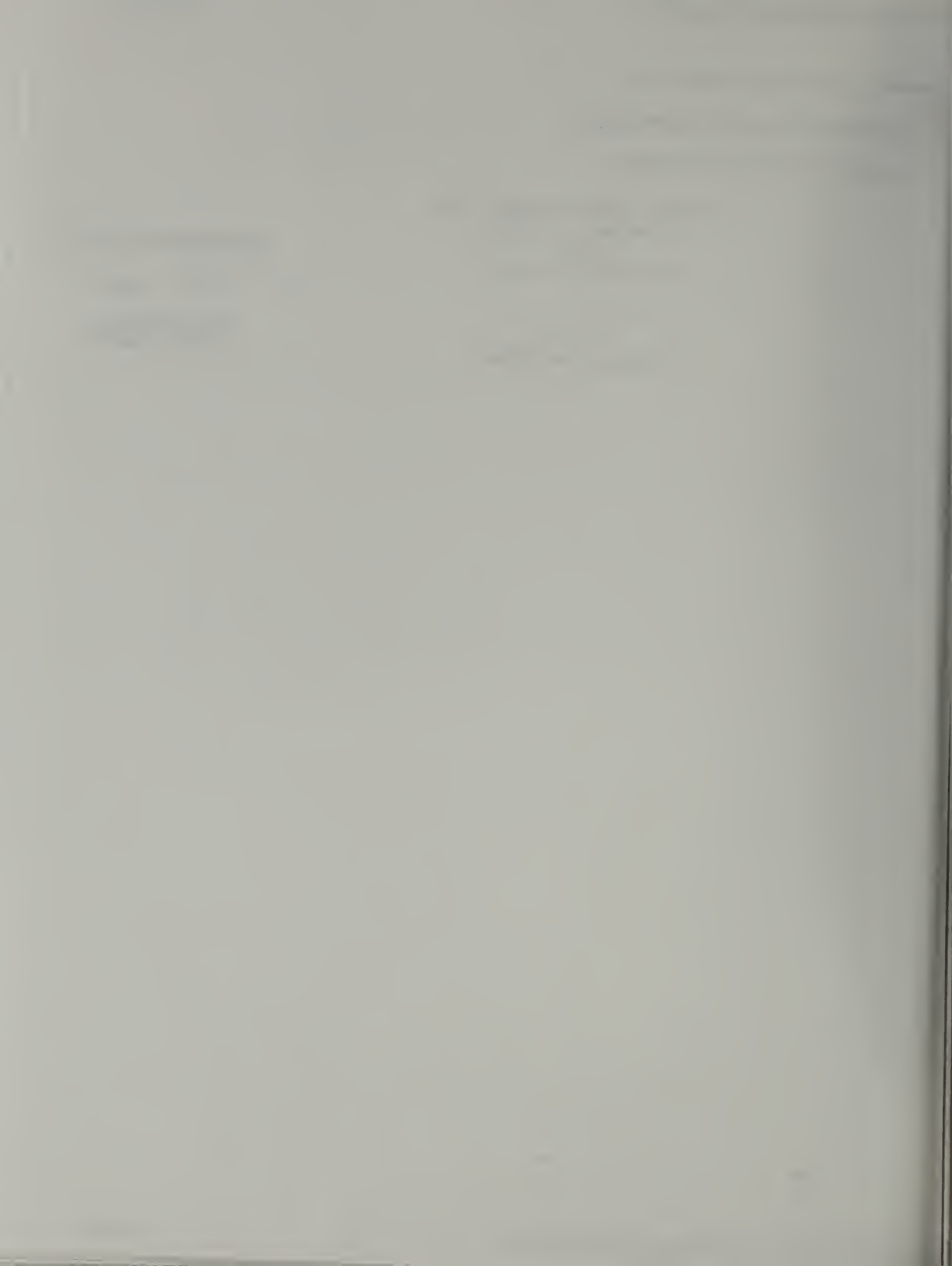
Agenda

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

August 13, 2003

STREET ARTIST COMMITTEE

Wednesday, August 13, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70



Agenda

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1. Hearing and possible motion to approve request to Board of Supervisors for permanent designation of relocated eleven (11) selling spaces ("H-11" through "21") on Hyde Street, west side, Beach to Jefferson Streets (continued from 6/11/03 Street Artists Committee meeting)

On May 17, 1999, the Board of Supervisors adopted Resolution No. 455-99 which relocated on a temporary basis eleven selling spaces (known as "H-11" through "21") from the east side of Hyde Street at Beach Street to the west side of Hyde Street due to the displacement of the spaces by the renovation of the Haslett Warehouse. In authorizing their relocation, the resolution provided that their placement on the west side of the street would terminate upon completion of the renovation of the Haslett Warehouse and restoration of the spaces to the east side of the street. The renovation is scheduled for completion in August, 2003.

2. Hearing and possible motion to approve request to Board of Supervisors for permanent designation of relocated six (6) selling spaces ("J-1", "1-A", "1-B", "2", "3", and "4") on Hyde Street, west side, at Jefferson Street (continued from 6/11/03 Street Artists Committee meeting)

On July 16, 2001, six selling spaces on Jefferson Street, south side, at Hyde Street, were displaced by the renovation of the Haslett Warehouse and relocated, with agreement of the National Park Service, to the west side of Hyde Street at Jefferson Street, fronting Victorian Park.

3. Hearing and possible motions to approve issuance of certificate or renewal of certificate

Mohamed Ahmed - Certificate #5877. Alleged violations: (1) Having a salesperson sell Mr. Ahmed's items; (2) Selling items not of the artist's own creation.

Because of the above charges, the issuance or renewal of Mr. Ahmed's certificate has been withheld pending hearing.

Miguel Sanchez - Certificate #5898. Alleged violation: Selling in a location not designated by Board of Supervisors

Because Mr. Sanchez chose not to meet with the Program Director on the above second-time violation, the decision to recommend denial of certificate or renewal is to be heard by the Street Artists Committee.

4. Program Director Report

5. New Business

6. Adjournment

August 5, 2003

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

August 13

STREET ARTIST COMMITTEE

Wednesday, August 13, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70



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Minutes

1. Roll Call

Members present: Commissioners Dugald Stermer, Anne Brauer, Rod Freebairn-Smith

Member absent: Commissioner Denise Roth

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Antoinette Worthy

In attendance were Supervisory Park Ranger John Cunnane of S F Maritime Historic Park; Mr. J. Barry Pollard, General Manager of Argonaut Hotel; and street artists Mohamed Ahmed, Oscar Bevilacqua, Linda Hagen, Kathleen Hallinan, and Sean Yore.

Commissioner Stermer, Chair, called the meeting to order at 3:15 p.m. and stated that Items 2 and 3 would be heard simultaneously.

2. Hearing and possible motion to approve request to Board of Supervisors for permanent designation of relocated eleven (11) selling spaces ("H-11" through "21") on Hyde Street, west side, Beach to Jefferson Streets (continued from 6/11/03 Street Artists Committee meeting)
3. Hearing and possible motion to approve request to Board of Supervisors for permanent designation of relocated six (6) selling spaces ("J-1", "1-A", "2", "3", and "4") on Hyde Street, west side, at Jefferson Street (continued from 6/11/03 Street Artists Committee meeting)

As per the directive of the Committee on June 11, 2003, Program Director Howard Lazar presented a proposal for the return and relocation of the Hyde Street and Jefferson Street spaces based on his negotiations with representatives of S F Maritime (National Park Service), the Argonaut Hotel, and street artists. He presented maps showing the present temporary locations of the spaces due to the construction of the hotel and maps of proposed new sites for the spaces. The proposal called for (a) seven spaces to remain in their locations on the west side (Victorian Park side) of Hyde Street; (b) fourteen spaces to return to the east side (hotel side) of Hyde Street but to be arranged so that the windows of the hotel and the S F Maritime Visitors Center would not

be blocked; and (c) the return of four of the six spaces to Jefferson Street to be arranged close to the entrance of The Cannery and away from the entrances of the hotel and its restaurant and to be set two feet apart from each other to accommodate two trees.

With respect to the four Jefferson Street spaces, the Program Director related that the fourth space which was to be on the very edge of The Cannery's entrance recently met with strong opposition from The Cannery's management. The Program Director proposed to move it west of the other three spaces, which would bring it six feet from the hotel restaurant's entrance; and this met with strong opposition from the hotel's management. He then proposed to add the space to the seven on the west side of Hyde Street, just south of the stairway to the cablecar turnaround; but this, too, was opposed by S F Maritime personnel who wanted the view of, and access to, the park free of street artists from the stairway northward. The net result, he said, was that the street artists were now going to lose not two but three of their long-time Jefferson Street spaces - three of the most prime selling spaces at the Wharf. In addition, the artists were going to lose a space on the opposite side of the hotel (Beach Street side) due to its proximity to a recently created fire exit.

Supervisory Park Ranger John Cunnane stated that the Visitors Center was expected to attract 500,000 visitors a year. While, at the last meeting of the Street Artists Committee, he had requested that the Center's three windows on Hyde Street be kept clear of the street artists so that visitors could enjoy an unobstructed view of the park and harbor, two of the three windows were now going to be obstructed by the Center's exhibits; therefore, there was now room for the placement of one, if not two, street artist spaces to be added to the fourteen on the east side of Hyde Street. He went on to say that the 252-room, four-star hotel and its Visitors Center should attract more business for the street artists than when the building existed as a vacant warehouse.

Commissioner Stermer, on behalf of his Committee, thanked Mr. Cunnane for his cooperation and good will.

Mr. J. Barry Pollard, General Manager of the Argonaut Hotel, stated that the hotel was scheduled for opening on August 18th and that he still approved of the plan he had agreed upon with Mr. Lazar, Mr. Cunnane, and the street artist representatives. He endorsed the idea of moving the Jefferson Street space opposed by The Cannery to the east side of Hyde Street.

Commissioner Stermer thanked Mr. Pollard, also, for his cooperation and good will.

Street Artist Oscar Bevilacqua, who had participated in the negotiations with S F Maritime and the hotel, stated that he has been in the Street Artists Program for twelve years and has observed that there is less pedestrian traffic on Hyde Street than on Jefferson Street, and therefore the relocation of two Jefferson Street spaces to the east side of Hyde Street would not compensate for their loss of value on Jefferson Street. The loss, however, could be mitigated if one of the spaces were added to the seven on the west side of Hyde which was almost comparable in value to Jefferson Street. He went on to say that before the hotel had commenced construction, the artists had been told that they would get back their six spaces on Jefferson Street.

Mr. Cunnane stated that S F Maritime wanted to keep the west side of Hyde Street, from the stairway northward, clear of street artists because of the historic and aesthetic value of the Hyde/Jefferson intersection of park, harbor, Hyde Street Pier, historic ships, and Visitors Center.

Mr. Pollard suggested that the enormous signs of the hotel and restaurant located above the east side of Hyde Street might attract more foot traffic for the artists.

Street Artist Linda Hagen asked that, since the artists were losing three choice spaces, an area be explored where the three could be relocated.

Street Artist Kathy Hallinan, who had participated in the negotiations, stated that she preferred the west side of Hyde Street because of the shelter and shade of the park's trees afforded to her for painting her leather products. Nevertheless, she appreciated the offer of two additional spaces on the east side of Hyde.

Commissioner Freebairn-Smith enquired whether there was merit in having the spaces that were relocated to North Beach continue in North Beach, as the neighborhood, he said, had gotten used to the artists.

Ms. Hagen responded that she and street artist Sean Yore have sold in the relocated spaces next to Washington Square, but that these do not replace in value the spaces at the Wharf.

Commissioner Freebairn-Smith moved to approve a request to the Board of Supervisors for permanent designation of the relocated seven (7) spaces ("H-15" through "21") on Hyde Street, west side, Beach to Jefferson Streets, and permanent designation of sixteen (16) spaces "H-1" through "14" and "H-22" and "23" on Hyde Street, east side, Beach to Jefferson Streets; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Brauer moved to delete three (3) spaces ("J-2", "3", and "4") from Jefferson Street, south side, Hyde to Leavenworth Streets, and to approve a request to the Port Commission for the relocation of three (3) spaces ("J-1", "1-A" and "1-B") on Jefferson Street, south side, Hyde to Leavenworth Streets, and the relocation of the the three deleted spaces ("J-2", "3", and "4") elsewhere on Port property; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

4. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Mohamed Ahmed - Certificate 5877 (expired July 8, 2003). Alleged violations: (1) Having a salesperson sell Mr. Ahmed's items; (2) Selling items not of the artist's own creation.

Program Director Lazar submitted as evidence photographs and a written report by the Advisory Committee of Street Artists and Craftsmen Examiners relative to the display of Mohamed Ahmed on May 10, 2003. According to the report, Mr. Ahmed had a "salesperson" who "assured the Committee that" the "seed bead and wire chokers" displayed on Mr. Ahmed's table "were 'from Africa'." The report went on to observe that the cast rings displayed on Mr. Ahmed's table did not appear to be made by him. In addition, the "silver and stone flower pattern inlay bracelets" also on display were "stamped 'Alpaca, Made in Mexico'." The report concluded that "more than 50% of" Mr. Ahmed's "display was in blatant violation of street artist guidelines."

Mr. Lazar reminded the Commissioners that, in a hearing which preceded a certificate suspension served by Mr. Ahmed, the Street Artists Committee on February 1, 2001 had warned Mr. Ahmed that any further incident of his selling

items not of his own creation would warrant revocation of his certificate, and Mr. Ahmed had promised the Commissioners that he would obey the rules. The warning was reiterated in a decision letter sent to him by the Program Director.

Mr. Lazar went on to report that, after issuance of the warning and prior to the recent May 10th incident, the Advisory Committee monitored Mr. Ahmed on June 8 and 29, 2002 selling *"a large number of beaded bracelets which he admits were not of his own making ... He was asked to remove anything he didn't make, though all items were still on display when we left."* Mr. Lazar presented photos of these incidents taken by the Advisory Committee.

Given the evidence of these repeated alleged violations, the Program Director recommended that Mr. Ahmed not be issued a renewal of his certificate nor a new certificate.

Mr. Ahmed told the Commissioners that on the day in question he went to lunch and left his display to be watched by a nearby unlicensed vendor. When he returned, he saw that the vendor had moved his table next to his, thereby giving the impression to the Advisory Committee that the vendor was selling Ahmed's work. Mr. Ahmed went on to say that the vendor would have liked to come with him to the hearing "but he thought it would look like it's a fabrication."

Responding to questions by Commissioners Stermer and Freebairn-Smith, Mr. Ahmed stated that the photos depicted his (Ahmed's) table; however, the rings shown in the photos belonged to the unlicensed vendor. He added that the Advisory Committee saw his display while he was away and that, when the Committee revisited the display while he was present, he did not have time to speak to the Committee and defend himself.

Commissioner Stermer stated that Mr. Ahmed was not allowed to have someone sell his work and that the variety of items on his table for which he was not licensed to sell was "extraordinary" which justified the Program Director's recommendation of denial of certification.

Commissioner Freebairn-Smith stated that it was Mr. Ahmed's responsibility to have immediately addressed the problem of the unlicensed vendor's table allegedly placed next to his, that he should have moved the table away and explained to the Advisory Committee what allegedly had happened. Mr. Ahmed's activities were unfair to the other street artists in the Program.

Commissioner Freebairn-Smith moved that Mohamed Ahmed be found in violation of the street artists ordinance by having a salesperson sell Mr. Ahmed's items and by selling items not of his own creation; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Brauer moved that issuance or renewal of a certificate for Mr. Ahmed be denied; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

5. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Miguel Sanchez- Certificate #5898 (expired May 30, 2003). Alleged violation: Selling in a location not designated by the Board of Supervisors.

Program Director Lazar submitted as evidence photographs he had taken of Mr.

Sanchez allegedly selling his items in an illegal location - Jefferson Street, south side, Mason to Taylor Streets - on a highly significant, prime selling day at the Wharf: Easter Sunday, April 20, 2003. The incident followed a written warning sent by the Program Director to Mr. Sanchez for selling in an illegal location on December 23, 2002, based on a Police Incident Report which had stated that "*Sanchez ignored*" the officer's "*order to stop selling, and continued to do so. He made three more sales in front of*" the officer, telling him that "*they were donations.*" This resulted in Mr. Sanchez's arrest and release at the police station with a warning that if he again made illegal sales, he would be *arrested and booked rather than cited.*"

Due to the nature of such violations, Mr. Sanchez was given the opportunity to meet with the Program Director and commit to obeying all the rules, rather than having his certificate withheld pending a hearing with the Street Artists Committee. Mr. Sanchez, however, chose to ignore the invitation, and the April 20th incident was boosted to the Street Artists Committee for a hearing on a recommendation to deny issuance of certificate.

Mr. Sanchez was not present.

Commissioner Freebairn-Smith moved that Miguel Sanchez be found in violation of the street artists ordinance by selling in a location not designated by the Board of Supervisors; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Brauer moved that issuance or renewal of a certificate for Mr. Sanchez be denied; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

6. Program Director's Report

Program Director Lazar reported on the following:

On July 30, 2003, the Board of Appeals mitigated the Arts Commission's two-months and three-weeks suspension of the certificate of Adriel Quintana Loayza to a three-week suspension commencing September 15th, with an additional two-week suspension to be held in abeyance pending a six month probation period.

The Board of Supervisors passed the Arts Commission's legislation which will allow street artists to maintain a ten-foot distance from doorways, instead of the previous requirement of twelve feet, and to maintain an eight-foot pedestrian passageway, instead of the previous ten feet, thereby making the street artist public safety regulations consistent with those for the charitable solicitors.

The Program Director received a June 25, 2003 letter from the staff of the Port of San Francisco stating that it would not support the Arts Commission's proposal for additional street artist spaces on Jefferson Street, Mason to Powell Streets, due to objections raised by the Port's merchant tenants. One of the objections was concern over the artists' increased competition to existing businesses.

Finally, the Arts Commission's legislation to increase the street artist certificate fee, for the first time in twelve years, is scheduled for hearing by the Finance Committee of the Board of Supervisors on September 17th.

7. New Business

Street artists Linda Hagen and Sean Yore asked that the Commission consider pursuing locations for street artists along The Embarcadero.

8. Adjournment

There being no further business, the meeting was adjourned at 4:22 p.m.

HL August 22, 2003

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San Francisco Arts Commission

November 12, 2003



STREET ARTIST COMMITTEE

Wednesday, November 12, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance of certificate or renewal of certificate

DOCUMENTS DEPT.

Jian Jin Chen - Certificate #5798. Alleged violations: (1) Selling items not of the artist's own creation (stone rings and animal-link faux silver bracelets); (2) Selling items not certified by Arts Commission (commercially manufactured pendants with minimal knotting).

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Because of the above charges of serious violations of the street artists ordinance, the issuance or renewal of Mr. Chen's certificate has been withheld pending hearing.

2. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Zhong Ru Fang - Certificate #4557. Alleged violation: Selling items not of the artist's own creation (commercially manufactured pendants on unadorned cords).

Because of the above charge of serious violation of the street artists ordinance, the issuance or renewal of Mr. Fang's certificate has been withheld pending hearing.

3. Program Director Report

4. New Business

5. Adjournment

November 3, 2003

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular

business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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San Francisco Arts Commission

November 12, 2003

STREET ARTIST COMMITTEE

Wednesday, November 12, 2003

3:00 p.m.

25 Van Ness Avenue, Suite 70



Minutes

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1. Roll Call

Members present: Commissioners Dugald Stermer, Anne Brauer, Rod Freebairn-Smith, P. J. Johnston, Denise Roth

Member absent: None

Staff present: Director of Cultural Affairs Richard Newirth; Street Artists Program Director Howard Lazar

Commissioner Stermer, Chair, called the meeting to order at 3:05 p.m.

2. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Jian Jin Chen - Certificate #5798. Alleged violation: (1) Selling items not of the artist's own creation (stone rings and animal-link faux silver bracelets); (2) Selling items not certified by Arts Commission (commercially manufactured pendants with minimal knotting).

Because of the above charges of serious violations of the street artists ordinance, the issuance or renewal of Mr. Chen's certificate was withheld pending hearing with the Street Artists Committee.

Program Director Lazar reported on the alleged violations (incidents of May 10 and June 21, 2003) and submitted, as evidence, notes and a photo taken by the Advisory Committee of Street Artists and Craftsmen Examiners. The Commissioners observed that Mr. Chen had received four previous warnings during the years 2001 and 2002 and observed accompanying photos of Mr. Chen's display relative to one of the warnings.

In response to questions by Commissioners Stermer and Roth, Mr. Chen, through interpreter Ms. Jenny Louie, stated that he did not dispute the charges and that he understood that he could sell only work that he made himself. In English, he admitted that he had broken the rule.

Commissioner Freebairn-Smith moved that Jian Jin Chen be found in violation of the street artists ordinance by selling items not of his own creation and selling items not certified by the Arts Commission; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Brauer moved that Mr. Chen's certificate be suspended for a period of the two months of January and February, 2004; the motion was seconded by Commissioner Johnston and unanimously approved.

3. **Hearing and possible motion to approve issuance of certificate or renewal of certificate**

Zhong Ru Fang - Certificate #4557. Alleged violation: Selling items not of the artist's own creation (commercially manufactured pendants on unadorned cords).

Because of the above charge of serious violation of the street artists ordinance, the issuance or renewal of Mr. Fang's certificate was withheld pending hearing with the Street Artists Committee.

Program Director Lazar reported on the alleged violation (incidents on June 15 and 21, 2003) and submitted, as evidence, notes and a photo taken by the Advisory Committee of Street Artists and Craftsmen Examiners. The Commissioners observed that Mr. Fang had received, during the years 1996 through 2002, five warnings: two written warnings from the Program Director and three verbal warnings from the Advisory Committee. The Commissioners also examined photos taken of Mr. Fang's display relative to these incidents (one photo showing his display of commercially manufactured silver rings).

Mr. Fang, through interpreter Mr. Brian Chen, stated that, according to the Arts Commission's requirements, his items complied; furthermore, he did not understand the warnings issued to him. He submitted to the Commissioners samples of his pendant jewelry.

Program Director Lazar explained how the samples, with their use of commercially manufactured pendants and an insufficient amount of artistic application to the cords, did not meet with the Commission's requirements which insist that the artist significantly cover the cord with beads or knotting and that the pendant be used as an integral part of, and subordinate to, the necklace's design. Mr. Lazar cited the names of several street artists who have received approval by the Advisory Committee for meeting these requirements.

Mr. Lazar further pointed out that the Advisory Committee, in citing Mr. Fang, had stated that his pendants were displayed on "unadorned cords" - which were not the same items he was showing to the Commissioners.

Commissioner Johnston commented that Mr. Fang, in receiving his first warning six years before, had had ample time to request help in understanding the warning.

Commissioner Stermer commented that Mr. Fang, in initially submitting his wares to the Advisory Committee for licensing, had been shown what he could and could not sell.

The following motions were translated to Mr. Fang, as well as the directive from the Commissioners that he submit any new item for approval before he attempts to sell it:

Commissioner Roth moved that Zhong Ru Fang be found in violation of the street artists ordinance by selling items not of his own creation; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Roth moved that Zhong Ru Fang be found in violation of the street artists ordinance by selling items not certified by the Arts Commission; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Roth moved that Mr. Fang's certificate be suspended for a period of the two months of January and February, 2004, and that the renewal of his certificate be conditioned on his submitting all wares he intends to sell to the Advisory Committee of Street Artists and Craftsmen Examiners; the motion was seconded by Commissioner Johnston and unanimously approved.

Commissioner Stermer clarified that Mr. Fang was allowed to sell only the work he had been approved to sell prior to and after his certificate's suspension.

4. Program Director's Report

Program Director Lazar reported on the recent enactment of the new street artist certificate fees, the first street artist fee increase in over twelve years. He further reported on the Commission's submittal to the Board of Supervisors of a request for additional temporary winter holiday selling spaces on behalf of the street artists. This was the twenty-second consecutive annual request.

Commissioner Stermer thanked Executive Director Linda Mjellem and the Union Square Association for their cooperation in obtaining more selling opportunities for the street artists during the winter holiday season.

There being no further business, the meeting was adjourned at 4:00 p.m.

Respectfully submitted:


Howard Lazar

Street Artists Program Director

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

February 11, 2004

STREET ARTIST COMMITTEE

Wednesday, February 11, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Agenda

1. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Jennifer Clement - Certificate #7019 (expired 12/26/03). Alleged violations:

(1) Selling in a location not designated by Board of Supervisors, 2nd incident; (2) exceeding display length, width, and height regulations, 2nd incident; (3) having a salesperson; (4) refusing to cease selling in an illegal location, exceeding display regulations, and having a salesperson.

Because of the above 3rd and 4th charges of serious violations of the street artists ordinance, the issuance or renewal of Ms. Clement's certificate has been withheld pending hearing.

2. Hearing and possible motion to approve proposal by Program Director to request Board of Supervisors for permanent designation of temporary winter holiday spaces "Z-45", "Z-46", and "Z-47" (formerly known as "FAO Schwartz spaces") (Stockton Street, east side, at O'Farrell Street) to replace spaces "S-0", "S-00", and "S-000" (Stockton Street, west side, at O'Farrell Street)
3. Hearing on street artist proposal to amend Lottery Procedure for assigning selling spaces by (1) eliminating the Downtown and Wharf lotteries system and replacing it with a single lottery system held on Tuesday, Thursday, and Saturday with sign-up days on Monday, Wednesday, Friday, and Sunday; (2) eliminating the mini-lottery as well as the unofficial "mini-mini lottery" for unassigned spaces and replacing these lotteries with an allocation of unassigned spaces by ranking order of lottery numbers beginning with the lowest number; (3) allowing Lottery Committee members and helpers to enter the lottery and receive a number, allowing for the free selling space they receive for working to be considered as a first use of their number
4. Program Director's Report
5. New Business
6. Adjournment

February 3, 2004

Notices

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San Francisco Arts Commission

February 11, 2004

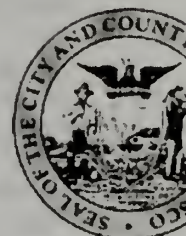
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STREET ARTIST COMMITTEE

Wednesday, February 11, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70



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Minutes

1. Roll Call

Members present: Commissioners Dugald Stermer, Rod Freebairn-Smith, P. J. Johnston

Members absent: Commissioners Anne Brauer, Denise Roth

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Evelyn Russell

In attendance were street artists Michael Addario, John Ammann, James Billy, Matilde Cheng, Robert Clark, William Clark, Linda Hagen, Brian Hopper, Dolores Kalom, Dikran Knoble, Vivian Lee, Sharon MacDougall, Enrique Perez, Jimmy Sha, Alithea Shuey, George Shuey, Edward Steneck, Matt Summers, Sean Yore.

Commissioner Stermer, Chair, called the meeting to order at 3:12 p.m. and took the agenda items in the following order:

2. Program Director's report

Program Director Howard Lazar submitted copies of recently received news articles on the Street Artists Program: a February 2, 2004 article entitled "San Francisco's Other Street Issue: The 'Storeless' " by Katie Vaughn of Stanford University's newspaper *The Cardinal Inquirer* and an April 26, 2003 article entitled "San Francisco Arts and Crafts" by Robert K. Liu of *Ornament* magazine, acknowledging the Street Artists Program as the springboard for the successful business of former street artists Kelley Ladas and Peter Wiley.

The Program Director further reported on the certificate fee increase, the first in over twelve years, which commenced November 10, 2003, and the next increase which has been approved to commence July 1, 2004.

3. Hearing on street artist proposal to amend lottery procedure for assigning selling spaces by (1) eliminating the Downtown and Wharf lotteries system and replacing it with a single lottery system held on Tuesday, Thursday, and

Saturday with sign-up days on Monday, Wednesday, Friday, and Sunday; (2) eliminating the mini-lottery as well as the unofficial "mini-mini lottery" for unassigned spaces and replacing these lotteries with an allocation of unassigned spaces by ranking order of lottery numbers beginning with the lowest number; (3) allowing Lottery Committee members and helpers to enter the lottery and receive a number, allowing for the free selling space they receive for working to be considered as a first use of their number

Street Artist William Clark explained his proposal, highlighting the following points: (1) Under the present system, there are twenty-six lotteries - main, mini, and "mini-mini" lotteries - per week, not counting noontime lotteries and other lotteries throughout the day, requiring the efforts of forty helpers and Lottery Committee members per week; whereas the new proposal would require only thirty-one helpers and members per week. (2) The proposal would open nine new spaces a week to other artists who have the lowest numbers in the lottery, making for a total of 468 prime spaces available for the year. (3) All lotteries would be at 9:00 a.m. (no longer 9:00 and 9:30), eliminating the present confusion over lottery times for the various days. (4) Two sign-up tables (one for Downtown spaces, the other for Wharf spaces) would simultaneously accommodate the artists signing in for the two selling areas, reducing the length of time of the present lottery and sign-up procedure. (5) For artists saving their numbers to obtain spaces on the following day, there would no longer be a time-consuming mini lottery but an allocation of the spaces in ranking order of the numbers, lowest to highest, received by the artists at the previous day's lottery. (6) If a space were to be vacated and become available, there would no longer be the practice of holding a lottery and requiring a winning artist to use or "burn" his/her lottery number, as the space would be given to the artist holding the lowest number from the previous lottery. (7) Lottery Committee members would be allowed to choose a space in either Downtown or Wharf areas, no longer being restricted to the area of the particular lottery they conduct.

Commissioner Freebairn-Smith asked those who would testify to address the following questions: Which lottery system achieves the greatest balance, or democracy, for the artists? Which is the simplest, most direct, most easily managed system? Which is the least susceptible to corruption?

The following artists voiced opposition to the proposal: James Billy, Edward Steneck, Sharon MacDougall, Dik Knoble, Dolores Kalom, Sean Yore, Michael Addario, George Shuey, Brian Hopper, Jimmy Sha, Matt Summers. The following comments were made: (1) The present system works well and is not complicated; if there were to be any changes made, there should be one lottery per day. (2) Whenever the proposal has arisen in the past, the street artists rejected it and the commissioners understood the importance of having two separate lotteries. (3) The present system is especially important to single certificate-holders by allowing them to enter both lotteries in order to work both days of a lottery period - for example, Saturday Downtown and Sunday at the Wharf. (4) The proposal takes away the artists' opportunities. (5) The elimination of the mini lotteries and the usage of main lottery numbers for all mini sign-ins will punish an artist with a high (poor) number many times throughout an entire lottery period, and such an artist will not have a chance at the leftover spaces. (6) An unlucky streak of poor weekend numbers can present an artist from working the entire season - especially a crucial season like summer. (7) Problems will arise from the proposed system, such as two lists of incoming number slips engendered by two sign-in tables and the resulting difficulty in discerning numbers that have been used. (8) Difficulties inherent in the present system have been remedied over the years, making for a system that works well. (9) Under the proposed system, an artist who

receives a poor number for the Wharf on Saturday cannot work that day and could face the loss of a weekend of revenue; whereas, under the present system, the artist can work Downtown. (10) While the proposed system offers only one more day's selling per year, the present system offers more opportunities due to three Downtown lotteries and three Wharf lotteries per week and mini and "mini-mini" lotteries which are "list extensions." (11) While the present system involved many rules and penalties and is due for an overhaul, the proposed system does not ensure more fairness - for example, 50% of the artists have less chance of obtaining a viable space than they do under the present system. (12) The present system plugs up loopholes of unfairness because of its built-in safeguards. (13) Under the present system, a single certificate-holder with a poor number can still get a viable space by using a "mini-mini" lottery number. (14) The proposed system will not be beneficial all year round because, during some seasons, it is difficult to get the required three helpers to do the work of the lottery; furthermore, the proposal will confuse new street artists who might join the Lottery Committee. (15) Under the present two-lottery system, it is possible for an artist to leave at 9:45 a.m. and get to work, whereas a one-lottery system will delay artists to 11:00 a.m.

Street Artist Linda Hagen addressed several problems resulting from the present lottery system which included the practice of certain artists signing in for Downtown and the Wharf at the same time. She said that the new proposal will correct some of the problems.

Street Artist Edward Steneck submitted a petition of 105 signatures in opposition to the proposal

Street Artist Robert Clark supported the proposal as follows: (1) The last time Mr. Steneck submitted a petition opposing a proposal by the Clarks, the petitioners found that they benefited from the measure. (2) The new proposal does not change the procedure for artists to obtain spaces on the second day of a lottery period: the artists holding numbers have priority over artists who used their numbers on the previous day. (3) Under the present system, a single artist is up against family units who have two-to-one odds against him in obtaining a space; single artists should laud the new proposal because it increases their odds. (4) By eliminating the number of lottery helpers during the year, more spaces are yielded for all the artists; and the more choices of spaces an artist has, the more the artist's lottery number increases in value.

Street Artist William Clark rebutted the opposition as follows: (1) Under the proposed system, an artist will have a choice of working in a space either Downtown or at the Wharf. (2) If the artists want to change the system to a daily lottery system, it will require an amendment by the Board of Supervisors; the proposed system, on the other hand, avoids having to go to the Supervisors. (3) By combining the two lotteries, the odds of obtaining a space are increased for artists receiving high numbers.

Commissioner Stermer commented that some of the artists seem to say that the present system is working well and if it isn't broken, it shouldn't be fixed; while others seem to say that it's partially broken but that the new proposal will not fix it. He urged the artists, in their discussions, to consider ways to fix what requires fixing.

Commissioner Johnston commented that the opponents state that the key benefit of the present lottery system is that it increases the artists' opportunity to obtain spaces, and that the dual-location lottery system provides some level of ability to address different needs of the artists.

Commissioner Stermer requested that the item be continued for two months. He urged both sides to meet, to keep an open mind, and to produce an agreement for submittal to the Commissioners.

Commissioner Johnston stated that, given the current amount of resistance to the proposal, it was not just the Commissioners whom the Clarks needed to persuade; it was incumbent upon them to persuade the majority of the artists that the proposal will increase their opportunities and will improve the efficiency of the present system itself. It was important that the people who will have to live with the new system will accept it.

Program Director Lazar urged both sides, in their communication, to produce visual graphs or charts illustrating levels of opportunity in obtaining spaces during a given week under the present system and under the proposed system. Such illustrations, he said, would be useful for the Commissioners as well.

Commissioner Freebairn-Smith concurred and stated that, during the hearing, he had attempted to diagram the two systems.

4. **Hearing and possible motion to approve proposal by Program Director to request Board of Supervisors for permanent designation of temporary winter holiday spaces "Z-45", "Z-46", and "Z-47"**

Program Director Lazar requested that the item be continued to the following month because the leasing agent of property fronting the proposed spaces was unable to attend today's hearing.

Commissioner Stermer stated that the item would be continued to the next meeting of the Street Artists Committee.

5. **Hearing and possible motion to approve issuance or renewal of certificate**

Jennifer Clement - Certificate #7019 (expired December 26, 2003). Alleged violations: (1) Selling in a location not designated by the Board of Supervisors, 2nd incident; (2) exceeding display length, width, and height regulations, 2nd incident; (3) having a salesperson; (4) refusing to cease selling in an illegal location, exceeding display regulations, and having a salesperson.

Ms. Clement was not present.

In presenting the case, Program Director Lazar stated that, because of the 3rd and 4th charges of serious violations of the street artists ordinance, the issuance or renewal of Ms. Clement's certificate was withheld pending hearing by the Street Artists Committee,

The Commissioners studied the following documents: (1) the Program Director's December 11, 2003 "Inspector's Logbook" describing the first incident of Ms. Clement's alleged selling in an illegal space with an oversized display on Market Street during the winter holiday selling season; (2) the "NOTICE OF WARNING" sent to Ms. Clement on December 12, 2003; (3) the December 22, 2003 "Inspector's Logbook" describing the second incident of Ms. Clement's alleged selling in an illegal space with an oversized display and this time having a salesperson and refusing the Program Director's numerous requests for her to cease the violations; (4) the "NOTICE OF WITHHOLDING OF CERTIFICATE" and the "NOTICE OF HEARING" sent to Ms. Clement on January 20, 2004.

Commissioner Freebairn-Smith moved that Jennifer Clement be found in

violation of the street artists ordinance by selling in a location not designated by the Board of Supervisors, 2nd incident, by exceeding the display length, width, and height regulations, 2nd incident, by having a salesperson, and by refusing to cease selling in an illegal location, exceeding display regulations, and having a salesperson; the motion was seconded by Commissioner Johnston and unanimously approved.

Commissioner Freebairn-Smith moved that issuance or renewal of certificate for Jennifer Clement be denied; the motion was seconded by Commissioner Johnston and unanimously approved.

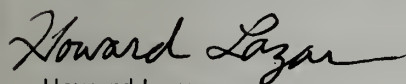
6. New business

Street Artist William Clark stated that, relative to the hearing on the Program Director's request for permanent designation of spaces "Z-45", "46" and "47", he was under the impression that previously Macy's had indicated agreement on a request for permanent designation of spaces "Z-48", "49" and "50"; Mr. Clark asked that the Program Committee consider this as well at the upcoming hearing.

Commissioner Stermer requested that both proposals of spaces be listed on the next agenda.

There being no further business, the meeting adjourned at 4:30 p.m.

Respectfully submitted:



Howard Lazar

Street Artists Program Director

February 23, 2004

meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

March 10, 2004 Meeting Cancelled

≡ STREET ARTIST COMMITTEE

Wednesday, March 10, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

DOCUMENTS DEPT.

AUG 10 2004

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≡ Agenda

≡ Notice of Cancellation of Meeting

The regular meeting of the Street Artist Committee of the San Francisco Arts Commission scheduled for March 10, 2004, has been cancelled.

March 9, 2004

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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etings >> Street Artists Committee Meetings

San Francisco Arts Commission

April 14, 2004

≡ STREET ARTISTS COMMITTEE

Wednesday, April 14, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

DOCUMENTS DEPT.

AUG 10 2004

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≡ Agenda

1. Hearing and possible motion to approve proposal by Program Director to request Board of Supervisors for permanent designation of temporary winter holiday spaces "Z-45", "Z-46", and "Z-47" (formerly known as "FAO Schwartz spaces") (Stockton Street, east side, at O'Farrell Street) to replace spaces "S-0", "S-00", and "S-000" (Stockton Street, west side, at O'Farrell Street) (continued from 2/11/04 meeting)
2. Hearing and possible motion to approve street artist proposal to amend lottery procedure for assigning selling spaces by (1) eliminating the Downtown and Wharf lotteries system and replacing it with a single lottery system held on Tuesday, Thursday, and Saturday with sign-up days on Monday, Wednesday, Friday, and Sunday; (2) eliminating the mini-lottery as well as the unofficial "mini-mini lottery" for unassigned spaces and replacing these lotteries with an allocation of unassigned spaces by ranking order of lottery numbers beginning with the lowest number; (3) allowing Lottery Committee members and helpers to enter the lottery and receive a number, allowing for the free selling space they receive for working to be considered as a first use of their number (continued from 2/11/04 meeting) and (additional provision submitted 3/9/04) (4) allowing helperships received through the lottery to be for the same lottery period of the following week
3. Program Director Report
4. New Business
5. Adjournment

Revision Date

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GOVERNMENT

etings >> Street Artists Committee Meetings

San Francisco Arts Commission

April 14, 2004

STREET ARTISTS COMMITTEE Wednesday, April 14, 2004

3:00 p.m.
25 Van Ness Avenue, Suite 70



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Minutes

1. Roll Call

Members present: Commissioners Dugald Stermer, Anne Brauer, Rod Freebairn-Smith

Member absent: Commissioner P. J. Johnston

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program

Director Howard Lazar, Certification Clerk Evelyn Russell

In attendance were Street Artists Michael Addario, Rona Barnes, Linda Hagen,

Barbro Haglund, Brian Hopper, Dolores Kalom, Dik Knoble, Sharon MacDougall,

Enrique Perez, Jimmy Sha, Alithea Shuey, George Shuey, Edward Steneck,

Matt Summers, Sean Yore; Ms. Lorna Feria representing Madison Marquette,

building managers; Ms. Paula Datesh Grundman and Attorney Ananda J. Norris.

Commissioner Stermer, Chair, called the meeting to order at 3:20 p.m. and took the agenda items in the following order:

2. Program Director's report

Program Director Howard Lazar reported on having received a petition of twenty-

five street artist signatures urging the Arts Commission to adopt a policy requiring

that any proposal to change a street artist regulation, rule, or procedure be

submitted by twenty-five or forty street artist signatures supporting it in order

for

the Commission and/or the Street Artists Committee to hear the proposal. The

Program Director requested the City Attorney's office for a response as to whether

the Commission has the authority to adopt such a policy.

Street Artists Linda Hagen and Sean Yore expressed opposition to the proposed policy.

At the request of the Chairman and the street artists present, the Program Director

read aloud the wording of the petition.

3. Hearing and possible motion to approve proposal by Program Director to

request Board of Supervisors for permanent designation of temporary winter

holiday spaces "Z-45", "Z-46", and "Z-47" (formerly known as "FAO

Schwartz spaces") (Stockton Street, east side, at O'Farrell Street) to

replace spaces "S-0", "S-00", and "S-000" (Stockton Street, west side, at

O'Farrell Street) (continued from 2/11/04 meeting)

Program Director Lazar reported that the proposed bus zone eliminating spaces

"S-0", "S-00", and "S-000" was scheduled to be created two years ago but did

not occur. Last January he was informed by the Department of Parking and

Traffic that the bus zone was again about to be created and that the street

artists had to vacate the three spaces. Now, three months later, DPT informed

him that the project was being re-evaluated and that, until further notice, the

artists could resume using the spaces.

Relative to this, the Program Director further reported that, two years ago, he

had proposed permanent designation of two former winter holiday spaces

adjacent to Macy's Men's Store contingent upon the elimination of the above

three spaces by the bus zone. Macy's had consented to this proposal, and the full Arts Commission had approved it. Honoring the conditions of Macy's consent, the Program Director had refrained from submitting the proposal to the Board of Supervisors pending the bus zone's creation.

Because many artists had recently requested that three former winter holiday spaces adjacent to the former FAO Schwartz building be permanently designated in place of the three bus zone spaces, the Program Director requested that the Commissioners hear from the artists as to whether they preferred these over the two "Macy's spaces".

Street Artist Enrique Perez expressed preference for the two "Macy's spaces".

Commissioner Stermer asked if anyone present disagreed with Mr. Perez's preference. No one disagreed.

Ms. Lorna Feria, representing Madison Marquette, manager of the building which formerly housed FAO Schwartz, stated that her company had 38,000 square feet to fill and would prefer that the artists not be in front of the building with the exception of during the winter holiday season.

The Commissioners clarified that, in the event of the bus zone's creation, the proposal previously approved by the Commission for permanent designation of the two "Macy's spaces" would be the measure for submission to the Board of Supervisors.

4. Hearing and possible motion to approve street artist proposal to amend

lottery procedure for assigning selling spaces by (1) eliminating Downtown and Wharf lotteries system and replacing it with a single lottery system held on Tuesday, Thursday, and Saturday with sign-up days on Monday, Wednesday, Friday, and Sunday; (2) eliminating the mini-lottery as well as the unofficial "mini-mini lottery" for unassigned spaces and replacing these lotteries with an allocation of unassigned spaces by ranking order of lottery numbers beginning with the lowest number; (3) allowing Lottery Committee members and helpers to enter the lottery and receive a number, allowing for the free selling space they receive for working to be considered as a first use of their number (continued from 2/11/04 meeting) and (additional provision submitted 3/9/04) (4) allowing helperships received through the lottery to be for the same lottery period of the following week

The authors of the proposal, Street Artists William and Robert Clark, were not present.

Program Director Lazar explained the recently received fourth provision of the proposal and reported that the artists with whom he had spoken on the street had expressed favor of the provision.

Street Artist Edward Steneck clarified that, while the Clarks had added it to their proposal, the fourth provision had been authored by Street Artist Rich Trager.

Commissioner Stermer expressed his appreciation to the artists for relinquishing

a selling day to attend the meeting and express their feelings on the issues.

The Commissioner asked for a show of hands of those persons in favor of all four provisions of the proposal. No hand was held up. He asked for a show of

hands in favor of the first three provisions. No hand was held up. He ascertained

that several artists were in favor of the fourth provision.

Street Artists Edward Steneck and Linda Hagen spoke in favor of the fourth provision as a means of increasing helpship opportunity for those street artists who work only on weekends.

The following artists voiced opposition to the first three provisions: Rona Barnes, Dolores Kalom, Barbro Haglund, George Shuey, and Edward Steneck.

The following comments were made: (1) The provision for a Friday sign-up day would preclude artists who have other weekday jobs from obtaining a good space on Saturday. (2) The proposal was flawed and incomplete. (3) The present lottery system was running well, was not "broken", and there was no reason therefore to change it. (4) The present dual lottery system, rather than the proposed single lottery system, provided more opportunity for the artists to obtain good spaces and less opportunity to scam the rules. (5)

Elimination of the present unofficial "mini-mini lottery" could be done without adoption of the proposal and would prevent artists from signing in to two spaces on a given day.

Mr. Steneck read a rebuttal which he and Street Artist Sharon MacDougall wrote to the Clarks' proposal. The rebuttal cited the present system's allowance for a single license-holder to enter both lotteries in order to work both days of a lottery period - for example, Saturday in the Downtown area and Sunday at the Wharf - and this made up for the ability of a two-member family unit, two numbers, which "usually" obtains "a decent space on both days of a lottery period." The argument went on to criticize the proposal's

"rotation system of" an artist's "main number for all mini sign-ins" as complicated

and problematic for keeping track of numbers that have been used.

Mr. Steneck presented a poster he prepared showing "a street artist's chances of getting a good space during a lottery period." The poster showed that, under one combined lottery, there would be one chance; under two separate lotteries (one for Downtown, one for the Wharf), there would be two chances.

Commissioner Stermer asked that a hearing and possible motion be held at the next meeting on the issue of providing for a daily mini lottery and eliminating the unofficial "mini-mini lottery".

Street Artist Michael Addario volunteered to write up a proposal on these issues for submittal to the Program Committee.

Commissioner Stermer expressed his appreciation of William and Robert Clark as "clear ... smart ... innovative thinkers"; to find such opposition to a proposal of theirs, which had withstood the test of two months of discussion, was surprising to him.

Commissioner Freebairn-Smith stated that the element of notice for the street artists was crucial for anything the Committee was expected to vote on. He observed that the consensus in the room was that the fourth provision of the proposal was a good idea. He questioned whether the Committee would be missing a minority voice which had not been informed.

Commissioner Stermer responded that he did not feel the Committee's action would be a rush to judgment, and that he felt that everyone in the Street Artists Program who cared about the issue had known about the hearings.

Commissioner Freebairn-Smith moved to disapprove the following three provisions of the proposal to amend the lottery procedure for assigning selling spaces: (1) eliminating the Downtown and Wharf lotteries system and replacing it with a single lottery system held on Tuesday, Thursday, and Saturday with sign-up days on Monday, Wednesday, Friday, and Sunday, (2) eliminating the mini-lottery as well as the unofficial "mini-mini lottery" for unassigned spaces and replacing these lotteries with an allocation of unassigned spaces by ranking order of lottery numbers beginning with the lowest number, (3) allowing Lottery Committee members and helpers to enter the lottery and receive a number, allowing for the free selling space they receive for working to be considered as a first use of their number; the motion was seconded by Commissioner Brauer and unanimously approved.

Commissioner Freebairn-Smith moved to approve the following fourth provision of the proposal to amend the lottery procedure for assigning selling spaces: (4) allowing helperships received through the lottery to be for the same lottery period of the following week; the motion was seconded by Commissioner Brauer and unanimously approved.

5. New Business

Street Artist Linda Hagen inquired about the status of the painting of the Hyde

Street spaces that were to be relocated to the east side of the street.

Street Artist Michael Addario spoke against the artists' move to the east side of

the street because of its difficult wind conditions and the continuous exhaust of curbside tour buses idling their engines.

*

Street Artist Enrique Perez asked when former winter holiday spaces "Z-3" and "Z-4" were going to be made permanent. The Program Director responded that the project was on his list for the drafting and submittal of legislation to the Board of Supervisors.

*

Ms. Ananda Norris identified herself as an attorney on behalf of former certificate-holder Paula Datesh (Grundman) and requested a hearing for a reinstatement of her client's street artist certificate. She explained that Ms. Datesh had been in custody at the time the Street Artists Committee heard the charges against her (and voted to not renew her certificate).

Program Director Lazar informed the Commissioners that the City Attorney's office investigated this issue and clarified that the Arts Commission was not obligated to provide such a hearing, as the Commission had notified Ms. Norris's client at the address she had consistently given the Program.

Ms. Norris stated that when the notice was mailed, her client was in custody.

Commissioner Stermer stated that, whether or not the Commission was

legally obligated, a hearing to consider reinstatement of Paula Datesh Grundman's certificate should be calendared; he asked the Program Director to do so.

*

Street Artist Sean Yore submitted a written proposal to the Committee to calendar a hearing for a motion to eliminate the sale of all prints from the Street Artists Program within thirty days.

The Program Director stated that he had previously received the proposal, and, because it raised a question about possible liability for the Arts Commission, he had submitted it to the City Attorney's office for clarification.

Commissioner Stermer recalled his Committee's hearings on prints and stated that, while the subject was a complex "minefield", he was not inclined to favor eliminating the sale of prints from the Street Artists Program.

Upon the Commissioner's verbalizing the text of Mr. Yore's proposal, Street Artist Dik Knoble and others expressed outrage and asked that the proposal not be calendared.

Street Artist Edward Steneck countered Mr. Yore's written assertion that there was no enforcement of the prints-labels criteria by stating that each time the Program Director has come to Mr. Steneck's display, as well as to the displays of others, he has examined the backs of all of the prints to verify

their labels. As for the cases of violation submitted by Mr. Yore, Mr. Steneck said that the Program Director adjudicated the cases.

Mr. Lazar clarified that, out of twenty-one complaints submitted by Mr. Yore on various types of alleged violations, he acted on fifteen of them by way of sending written warnings and notices of withholding of certificates and by sitting as a hearing officer in two cases disputing the charges that ultimately were withdrawn due to a lack of preponderance of evidence.

Commissioner Freebairn-Smith stated that, after years of attending prints auctions of Pacific Book Auction, he was told by the auctioneer that the law could be quoted ad infinitum but that what was needed was an enforcement vehicle. Furthermore, there were such bizarre cases of fraud in the world of printmaking that it was extremely difficult to enforce this area. The Commissioner went on to say that it was up to the consumers to be extremely careful about what they were buying. Given the limited resources of the Street Artists Program, he invited anyone to come forward with a proposed fair enforcement mechanism which would be reasonable and less draconian than the elimination of prints.

At the request of Mr. Steneck, Commissioner Stermer questioned Mr. Yore as to the purpose of his proposal. Responding to the Commissioner's questions, Mr. Yore stated that he himself sells prints, that the elimination of prints would not help him, but that he saw "other issues besides" his "immediate economic interest."

Commissioner Stermer stated that he appreciated Mr. Yore's concern but that his proposed solution was far too drastic for the Commissioner to calendar. His Committee, however, would be willing to hear proposals for better methods of enforcing.

Commissioner Brauer ascertained that Mr. Yore attended the hearings on two of his complaints and was aware of the enforcement process taking place.

Street Artist Linda Hagen stated that the Program had only one person, the Program Director, to do the enforcing, and that it was not possible for him to be in the three major street artist locations at the same time. Mr. Yore had attempted to furnish reports of violations.

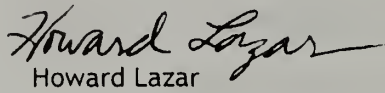
Street Artist George Shuey stated that he was a board member of the California Society of Printmakers and that for the Street Artists Program to venture into the issue of prints constituted a gray area which would make it increasingly difficult to define.

Commissioner Stermer reiterated his position of not wishing to eliminate prints from the Street Artists Program and of his willingness to hear proposals for improved enforcement given the Program's limited resources.

6. Adjournment

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted:


Howard Lazar

Street Artists Program Director

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City of San Francisco, Department of Public Works, Office of Street Use and Design

Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

May 12, 2004

≡ STREET ARTISTS COMMITTEE

Wednesday, May 12, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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≡ Agenda

1. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by providing for a daily secondary lottery for the same area (Wharf or Downtown) of selling spaces; providing for secondary lottery to commence immediately upon completion of assignment of spaces from the main lottery; providing for red lottery slips for secondary Wharf lottery and green lottery slips for secondary Downtown lottery; and immediate termination of the practice of conducting unofficial "mini-mini lotteries"
2. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by requiring lottery workers to indicate on the sign-up sheet the following abbreviations of arts/crafts: "pt" for portraits, "pr" for prints, "ph" for photography
3. Program Director report
4. New business
5. Adjournment

May 5, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

May 12, 2004

STREET ARTISTS COMMITTEE

Wednesday, May 12, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70



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MAY 25 2004

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Minutes

1. Roll Call

Members present: Commissioners Dugald Stermer, Maya Draisin, P. J. Johnston,

Members absent: Commissioners Anne Brauer, Rod Freebairn-Smith

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Evelyn Russell

In attendance were Street Artists Michael Addario, Robert Clark, William Clark, Linda Hagen, Maria Hillius, Josh Martens, Edward Steneck, David Thomas, Sean Yore

Commissioner Stermer, Chair, called the meeting to order at 3:15 p.m. and took the agenda items in the following order:

2. Program Director's report

Program Director Howard Lazar reported on having painted the numbers and brackets for the spaces to be relocated on both sides of Hyde Street, as per the approval of the Arts Commission, the National Park Service, the Argonaut Hotel, and the Board of Supervisors. The spaces to be relocated on Jefferson Street were awaiting review and approval by the Port of San Francisco.

3. New business

Street Artist William Clark stated that, at a meeting of the Board of Supervisors Finance Committee last September, he had informed the Supervisors that \$40,000 in interest was due the street artist fund, and that Supervisor Peskin had asked the Controller to investigate the matter. Mr. Clark asked whether the Program Director had heard of any results of the investigation. He further asked the Arts Commission to write a letter of inquiry. The Commissioners and the staff, referring to an earlier opinion on the matter by the City Attorney, declined to pursue Mr. Clark's request.

4. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by providing for a daily secondary

lottery for the same area (Wharf or Downtown) of selling spaces; providing for secondary lottery to commence immediately upon completion of assignment of spaces from the main lottery; providing for red lottery slips for secondary Wharf lottery and green lottery slips for secondary Downtown lottery; and immediate termination of the practice of conducting unofficial "mini-mini lotteries"

At the request of the Chair, Program Director Lazar described, in general terms, the street artists' lottery, problems arising from the unofficial "mini-mini lottery", and the purposes of the proposal to remedy the problems. He referred the Commissioners to the petition he received of 28 artists proposing the following: *"(1) The mini-mini lottery be eliminated and replaced with an official secondary lottery to be held after the primary lottery; (2) Additional color slips be provided for the secondary lottery (red for the wharf secondary lottery and green for the downtown secondary lottery); (3) Once the primary lottery is held and the spaces assigned, a primary lottery number would not be able to bump or trump a secondary lottery number for that day; (4) The secondary lottery slips are only useable on the date issued; (5) It would be illegal for one licenseholder, in the same day, to sign in for a space at both the Wharf and Downtown areas ..."*

Mr. Lazar also referred the Commissioners to a letter he received from Street Artists William and Robert Clark opposing the proposal.

Speaking in support of the proposal were Street Artists Edward Steneck and Michael Addario. Speaking in opposition were Street Artists William Clark and Robert Clark. Contributing to the discussion were Street Artists Linda Hagen, Maria Hillius, and Sean Yore.

During the course of the discussion, Mr. Steneck offered to withdraw item #3 of the proposal. Mr. Addario, however, asked that item #3 be retained on a "wait-and-see basis" for future consideration after the proposal is implemented. Commissioner Stermer stated that item #3 would be eliminated from present consideration.

The Commissioners ascertained that the primary purpose of the proposal was to prevent artists from signing in for two spaces on the same day. On the other hand, the Commissioners ascertained that it was considered acceptable for an artist to move from space to space, region to region, in pursuit of business throughout the course of a day. The Commissioners expressed concern over the possibility of attempting to remedy a problem that was not a widespread problem, and whether the elimination of an artist's opportunity to "double dip" for spaces on a given day would create a further problem.

The Commissioners urged both sides to negotiate and refine the proposal and re-submit it. Commissioner Stermer requested that the matter be calendared for the Committee's next meeting.

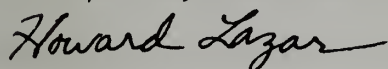
5. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by requiring lottery workers to indicate on the sign-up sheet the following abbreviations for arts/crafts: "PT" for portraits, "PR" for prints, "PH" for photography

Commissioner Stermer stated that the item would be continued to the next Committee meeting.

6. Adjournment

There being no further business, the meeting was adjourned at 4:50 p.m.

Respectfully submitted:



Howard Lazar
Street Artists Program Director

May 20, 2004

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

June 09, 2004 Meeting Cancelled

STREET ARTISTS COMMITTEE

June 09, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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AUG 10 2004

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Agenda Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for June 09, 2004 has been cancelled. Hearing and possible motion...

June 02, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

July 14, 2004 Meeting Cancelled

≡ STREET ARTISTS COMMITTEE

Wednesday, July 14, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

≡ Agenda

≡ Notice of Cancellation of Meeting

DOCUMENTS DEPT.

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The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for July 14, 2004 has been cancelled.

July 7, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

August 11, 2004

≡ STREET ARTISTS COMMITTEE

Wednesday, August 11, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

≡ Agenda

≡ Notice of Cancellation of Meeting

≡

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The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for August 11, 2004 has been cancelled.

August 5, 2004

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

September 08, 2004

STREET ARTISTS COMMITTEE

Wednesday, September 8, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

Notice of Cancellation of Meeting

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The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, September 8, 2004 has been cancelled.

September 1, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

October 13, 2004

≡ STREET ARTISTS COMMITTEE

Wednesday, October 13, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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≡ Agenda

1. Hearing and possible motion to approve elimination of selection of three (3) additional temporary Lottery Committee members for winter holiday season (November 15-January 15).

Item submitted by petition of 31 street artists.

2. Hearing and possible motion to approve selection of additional Lottery helpers for peak selling seasons of winter (for the day after Thanksgiving through the first Monday after January 1st) and summer (for the Friday before Memorial Day through Labor Day).

Item submitted by petition of 33 street artists.

3. Hearing and possible motion to approve amendment of the lottery procedure by allowing helpers to select spaces either in the lottery period in which they serve or for the same lottery period of the following week.

Item submitted by petition of 30 street artists.

4. Hearing and possible motion to request Board of Supervisors to approve an ordinance to amend Section 2402(a) of Article 24 of the San Francisco Police Code by rescinding the requirement for members of the Advisory Committee of Street Artists and Craftsmen Examiners to attend fifty percent (50%) of an Advisory Committee meeting of four (4) or more hours in order to receive compensation.

Item submitted by Street Artists Program Director and members of the Advisory

Committee of Street Artists and Craftsmen Examiners.

5. Program Director's report.

6. New Business

7. Adjournment

October 3, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

October 13, 2004 amended agenda

STREET ARTISTS COMMITTEE

Wednesday, October 13, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Agenda

1. Hearing and possible motion to approve elimination of selection of three (3) additional temporary Lottery Committee members for winter holiday season (November 15-January 15).

Item submitted by petition of 31 street artists.

2. Hearing and possible motion to approve selection of additional Lottery helpers for peak selling seasons of winter (for the day after Thanksgiving through the first Monday after January 1st) and summer (for the Friday before Memorial Day through Labor Day).

Item submitted by petition of 33 street artists.

3. Hearing and possible motion to approve amendment of the lottery procedure by allowing helpers to select spaces either in the lottery period in which they serve or for the same lottery period of the following week.

Item submitted by petition of 30 street artists.

4. Hearing and possible motion to request Board of Supervisors to approve an ordinance to amend Section 2402(a) of Article 24 of the San Francisco Police Code by rescinding the requirement for members of the Advisory Committee of Street Artists and Craftsmen Examiners to attend fifty percent (50%) of an Advisory Committee meeting of four (4) or more hours in order to receive compensation.

Item submitted by Street Artists Program Director and members of the Advisory Committee of Street Artists and Craftsmen Examiners.

5. Program Director's report.

6. New business.

7. Adjournment

October 5, 2004

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission**October 13, 2004****STREET ARTISTS COMMITTEE****Wednesday, October 13, 2004****3:00 p.m.****25 Van Ness Avenue, Suite 70****DOCUMENTS DEPT.****DEC - 6 2004****SAN FRANCISCO
PUBLIC LIBRARY****Minutes****1. Roll Call**

Members present: Commissioners Dugald Stermer, Rod Freebairn-Smith, P. J. Johnston

Members absent: Commissioners Anne Brauer, Maya Draisin

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Evelyn Russell

In attendance were Street Artists Robert Clark, William Clark, Linda Hagen, Sean Yore; and former certificate-holder Paula Datesh Grundman

Commissioner Stermer, Chair, called the meeting to order at 3:10 p.m. and stated that items 1 and 2 would be heard simultaneously.

1. Hearing and possible motion to approve elimination of selection of three (3) additional temporary Lottery Committee members for winter holiday season (November 15 - January 15) *(item submitted by petition of 31 street artists)*
2. Hearing and possible motion to approve selection of additional Lottery helpers for peak selling seasons of winter (for the day after Thanksgiving through the first Monday after January 1st) and summer (for the Friday before Memorial Day through Labor Day) *(item submitted by petition of 33 street artists)*

Program Director Howard Lazar clarified the jobs of Lottery Committee members and lottery helpers and described how they are chosen. He further clarified that some time ago the Arts Commission, at the request of the street artists, had approved the Lottery Committee to select three additional members to share the lottery workload during the winter holiday season. Now, however, petitioners were asking that three additional members

for the winter holiday season be replaced with one additional helper, and that an additional helper be selected for the summer season as well.

Street Artists Linda Hagen and William Clark spoke in support of both proposals: the elimination of three additional Lottery Committee members would grant more peak season days for the remaining nine members to be compensated for running the lottery - a just reward for staying on the committee during January and February (the off-season) to run the lotteries. Street Artist Sean Yore opposed Item 1: the Lottery Committee during the previous winter holiday season did not have a full complement of members and would have been seriously understaffed had it not acquired the additional three members.

Commissioner Stermer commended the support of the petitioners behind the two proposals.

Commissioner Johnston moved to approve the elimination of three (3) additional temporary Lottery Committee members for the winter holiday season subject to review after the winter holiday season; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

Commissioner Freebairn-Smith moved to approve selection of additional Lottery helpers for peak selling seasons of winter (the day after Thanksgiving through the first Monday after January 1st) and summer (the Friday before Memorial Day through Labor Day); the motion was seconded by Commissioner Johnston and unanimously approved.

3. Hearing and possible motion to approve amendment of lottery procedure by allowing helpers to select spaces either in the lottery period in which they serve or for the same lottery period of the following week. *(item submitted by petition of 30 street artists)*

Commissioner Stermer ascertained that the authors of the petition were not present. Because the petition's wording was ambiguous, he tabled the item for the next Street Artists Committee meeting.

4. Hearing and possible motion to request Board of Supervisors to approve an ordinance to amend Section 2402(a) of Article 24 of the San Francisco Police Code by rescinding the requirement for members of the Advisory Committee of Street Artists and Craftsmen Examiners to attend fifty percent (50%) of an Advisory Committee meeting of four (4) or more hours in order to receive compensation. *(item submitted by Street Artists Program Director and members of the Advisory Committee of Street Artists and Craftsmen Examiners)*

Program Director Lazar explained that the ordinance providing compensation for the Advisory Committee of Street Artists and Craftsmen Examiners stipulated that the committee's members were entitled to receive

compensation only when they attend at least fifty percent of an Advisory Committee meeting that lasts for four or more hours. The Program Director stated that the inflexibility of the ordinance's wording appeared to preclude a member from receiving compensation for a meeting that could be just short of four hours and that this was not fair - especially for members who travel great distances and, with travel time, give up half their work day to attend.

Street Artist William Clark expressed support of the proposal but requested that it provide for a lower amount of required meeting time as, for example, three hours instead of the present four, rather than eliminating a minimum amount of time altogether.

Street Artist Robert Clark expressed opposition to lowering the number of hours for a meeting, as this would encourage the committee's members to push applicants through the screening process rather than the committee carefully examining their wares. Mr. Clark then proposed that a new ordinance require a member to attend at least two hours of a meeting three hours or longer.

Commissioner Johnston ascertained that the duration of the Advisory Committee's meetings - or any meeting of any City committee - could not always "in the real world" adhere to a stipulated minimum time requirement. He favored the deletion of the wording "...for 50 percent of each meeting of four or more hours" from the present provision which states: "(a) A member shall receive \$80 for each meeting of the Advisory Committee actually attended by said member for 50 percent of each meeting of four or more hours."

After much discussion between the Commissioners, staff, and attendees, Commissioner Johnston moved that the Board of Supervisors be requested to approve an ordinance to amend Section 2402(a) of Article 24 of the San Francisco Police Code by rescinding the requirement for members of the Advisory Committee of Street Artists and Craftsmen Examiners to attend fifty percent (50%) of an Advisory Committee meeting of four (4) or more hours in order to receive compensation; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

5. Program Director's report

Program Director Lazar reported that the Board of Supervisors had enacted the Arts Commission's request to make former temporary winter holiday spaces "Z-3" and "Z-4", located at Market and 4th streets, as well as other former temporary spaces at Market and Montgomery streets, into permanent spaces. The artists have started using the spaces and have expressed their gratitude.

The Program Director further reported that the Arts Commission's 23rd consecutive request for winter holiday spaces - this year 71 such spaces - was coming up for hearing by the Board of Supervisors' Land Use Committee.

The Program Director also reported that he had finished painting the markings and numbers of the artists' spaces at Fisherman's Wharf.

6. New business

Former certificate-holder Paula Datesh Grundman requested a re-issuance of her certificate. She stated that, due to extenuating circumstances, she had been unable to attend her hearing (in which the Street Artists Committee had decided to not re-issue her certificate), that two years had passed since she was licensed, and that she wanted to get her license back.

Street Artist Sean Yore stated that he was one of the witnesses against Ms.

Grundman at the hearing, and that he felt that it had been a fair hearing.

Director of Cultural Affairs Richard Newirth stated that the City Attorney had previously researched the matter and had stated in writing that due process had taken place and that the committee was not required to hold a hearing on Ms. Grundman's request.

While Commissioners Johnston and Freebairn-Smith expressed interest in reviewing the City Attorney's letter and the minutes of the meeting, Commissioner Stermer stated that he was not predisposed to hearing the matter.

*

Street Artist Linda Hagen submitted a proposal for the Street Artists Program to employ "secret shoppers" whereby persons not recognized by the street artists would purchase, for evidence at hearings, various items suspected as not being created by the artists. This, she said, would improve the Program.

*

Street Artist Linda Hagen presented a proposal to allow any artist to purchase more than one street artist certificate.

Program Director Lazar stated that one artist had expressed a similar idea to him in order to improve, the artist felt, his chances of getting a good space through the lottery. The Program Director had responded that he would have to consult with the City Attorney as to whether the street artist ordinance would allow an artist to purchase more than one certificate.

*

Street Artist Sean Yore requested that the Program Director explore ways of providing security for Lottery Committee members at the lotteries, as, he said, he had been threatened. Responding to questions by Commissioner Johnston, Mr. Yore stated that he had not filed a police report, and that it was difficult to get witnesses to come forward.

The Program Director stated that, given the Program's present budget restrictions which included cancellation of this year's hiring of police officers for the winter holiday season, it did not seem likely that the Program would be able to hire security personnel for the lotteries.

7. Adjournment

There being no further business, Commissioner Stermer adjourned the meeting at 4:40 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

October 26, 2004

May 20, 2004



Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

November 10, 2004

STREET ARTISTS COMMITTEE

Wednesday, November 10, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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SAN FRANCISCO
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1. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by (1) allowing any helper or Lottery Committee member on a main lottery day to enter into the lottery and use their number the next day; (2) allowing any helper or Lottery Committee member on the second day of a lottery to enter the lottery on the first day and use their number that day; (3) allowing any designated helper on a Wednesday Wharf lottery to enter the lottery on Tuesday and use their number that day (Tuesday); (4) allowing for unrestricted number of times in any lottery period or weekly period for an artist to be a helper; and (5) allowing for any Lottery Committee member to be a designated helper.

(item submitted by petition of 30 street artists)

2. Hearing and possible motion to approve issuance of certificates or renewal of certificates

Sean Yore - Certificate #6044 - and Linda Hagen - Certificate #5961.

Alleged violation: Improper conduct of business: Selling a painting created by Mr. Yore and Ms. Hagen copied from a photograph by Kerrick James.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold issuance or renewal of a street artist's certificate if the artist is charged with selling an item that is not "predominantly created or significantly altered in form" by the artist. Such charge belongs to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street Artists Program." Because of the above charge, the issuance or renewal of the certificates of Mr. Yore and Ms. Hagen have been withheld pending hearing with the Street Artists Committee.

3. Program Director Report
4. New Business
5. Adjournment

November 3, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

November 10, 2004 meeting cancelled

STREET ARTISTS COMMITTEE Wednesday, November 10, 2004

3:00 p.m.
25 Van Ness Avenue, Suite 70

DOCUMENTS DEPT.

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Agenda Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, November 10, 2004 has been cancelled.

November 8, 2004

Notices

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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

December 08, 2004 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, December 8, 2004

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Agenda

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, December 8, 2004 has been cancelled.

December 1, 2004

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San Francisco Arts Commission

January 12, 2005

STREET ARTISTS COMMITTEE

Wednesday, January 12, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance of certificates or renewal of certificates

Sean Yore - Certificate #6044 (expired November 29, 2004) - and Linda Hagen Certificate #5961 (expired December 27, 2004). Alleged violation: (1) Improper conduct of business: Selling an image created by Mr. Yore and Ms. Hagen copied from a photograph by Kerrick James; (2) Improper conduct of business: misrepresentation to the public regarding the type of goods sold by selling a print as an "original," "watercolor" painting.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold issuance or renewal of a street artist's certificate if the artist is charged with selling an item that is not "predominantly created or significantly altered in form" by the artist. Such charge belongs to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street Artists Program." Because of the above charges, the issuance or renewal of the certificates of Mr. Yore and Ms. Hagen have been withheld pending hearing with the Street Artists Committee.

2. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by (1) allowing any helper or Lottery Committee member on a main lottery day to enter the lottery and use their number the next day; (2) allowing any helper or Lottery Committee member on the second day of a lottery to enter the lottery on the first day and use their number that day; (3) allowing any designated helper on a Wednesday Wharf lottery to enter the lottery on Tuesday and use their number that day; (4) allowing for unrestricted number of times in any lottery period or weekly period for an artist to be a helper; and (5) allowing for any Lottery Committee member to be a designated helper.

(item submitted by petition of 30 street artists)

3. Program Director report
4. New Business
5. Adjournment

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January 03, 2005

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San Francisco Arts Commission

January 12, 2005

STREET ARTISTS COMMITTEE

Wednesday, January 12, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

1. Roll Call

Members present: Commissioners P. J. Johnston, Maya Draisin, Rod Freebairn-Smith

Members absent: Commissioner Anne Brauer

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Evelyn Russell, Deputy City Attorney Marie Corlett Blits, Deputy City Attorney Virginia Dario Elizondo

Commissioner Johnston, Chair, called the meeting to order at 3:15 p.m. and stated that the item pertaining to "Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces" would be continued to the following month's meeting.

2. Hearing and possible motion to approve issuance of certificates or renewal of certificates. (This hearing was tape recorded; all documents presented are available in the hearing file.)

Sean Yore - Certificate #6044 (expired November 29, 2004) - and Linda Hagen - Certificate #5961 (expired December 27, 2004). Alleged violations: (1) Improper conduct of business: Selling an image created by Mr. Yore and Ms. Hagen copied from a photograph by Kerrick James; (2) Improper conduct of business: Misrepresentation to the public regarding the type of goods sold by selling a print as an "original", "watercolor" painting.

Commissioner Johnston acknowledged the presence of Deputy City Attorney Marie Corlett Blits to verify that the hearing would maintain proper procedure. The Commissioner requested the following: an opening statement by the Street Artists Program Director, an opening statement by the counsel for the respondents, presentation of evidence by the Program Director, presentation of evidence by counsel and respondents, rebuttal and closing arguments by the Program Director, and closing arguments by counsel and respondents. During the presentation of evidence by both sides, there would be allowance for testimony by witnesses and the opportunity to cross-examine witnesses. Public comment, limited to three minutes per person, would occur after this procedure.

Street Artists Program Director Howard Lazar presented a chronology of the case from his office's receipt of complaint and evidence to issuance of "Notice of Withholding of Certificate Pending Hearing" to Mr. Yore and Ms. Hagen. He discussed the nature of the charges and the Arts Commission's jurisdiction with regard to the charges, as well as their relevance to not only the Street Artists Ordinance but to the San Francisco Business and Tax Regulations Code and the California Business and Professions Code.

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Mr. Gregory Alan Rutchik of "the arts and technology group", attorney for Sean Yore and Linda Hagen, presented his opening statement with denied the charges.

Program Director Lazar submitted evidence and declarations in support of the charges. He presented the following witnesses who, under oath, gave testimony: Ellen Falcinelli, Dickran Knoble, Linda Amato, and Philip John Amato.

Mr. Rutchik cross-examined Ms. Falcinelli, Mr. Knoble, Ms. Amato, Mr. Amato, and Program Director Lazar.

Mr. Rutchik submitted evidence and declarations in denial of the charges. Mr. Yore and Ms. Hagen, under oath, and in response to questions of their attorney, gave testimony stating that Mr. Yore took various photographs of cable cars, the Bay Bridge, and persons getting on a cable car, to create a composite image, and painted the image with watercolors. Mr. Yore demonstrated a technique of projecting various photographic images onto a flat plain surface which, he said, were traced to form the outlines of a scene similar to the one subject to this proceeding. Mr. Yore and Ms. Hagen stated that they were unaware of the Kerrick James photograph. Ms. Hagen, Mr. Rutchik, and Mr. Yore responded to questions by the Commissioners.

The Commissioners thoroughly examined the evidence presented by both sides.

Director of Cultural Affairs Richard Newirth, referring to the declarations submitted by Mr. Yore and Ms. Hagen and Mr. Rutchik's written argument, questioned Mr. Yore on when and how he obtained his image.

Program Director Lazar cross-examined Ms. Hagen.

In rebuttal, the Program Director addressed the evidence submitted by the respondents in comparison with the evidence submitted against them.

The Program Director gave his closing arguments.

Mr. Rutchik gave his closing arguments.

Commissioner Johnston stated that his Committee would take the matter under submission for deliberation and decision; both parties would be invited to submit any proposed findings over the course of the next two weeks by February 7th; that public comment would presently be taken; but no action would be taken today on the item; and that the item would be continued to the next meeting of February 9th.

Under public comment, the following spoke: Paula Datesh, Philip Jon Amato, George Shuey, Dickran Knoble, Dennis Dooley, Susan Pete, Gregory Alan Rutchik, Sharon MacDougall.

3. New business

Former certificate-holder Paula Datesh Grundman requested a re-issuance of her certificate and submitted copies of the Street Artists Committee's minutes of April 14 and October 13, 2004, and Article 24 of the San Francisco Police Code.

4. Adjournment

There being no further business, Commissioner Johnston adjourned the meeting at 6:30 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

February 2, 2005



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San Francisco Arts Commission

February 09, 2005

STREET ARTISTS COMMITTEE

Wednesday, February 9, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance of certificates or renewal of certificates (continued from 1/12/05 meeting)

Sean Yore - Certificate #6044 (expired November 29, 2004) - and Linda Hagen Certificate #5961 (expired December 27, 2004). Alleged violation: (1) Improper conduct of business: Selling an image created by Mr. Yore and Ms. Hagen copied from a photograph by Kerrick James; (2) Improper conduct of business: misrepresentation to the public regarding the type of goods sold by selling a print as an "original," "watercolor" painting.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold issuance or renewal of a street artist's certificate if the artist is charged with selling an item that is not "predominantly created or significantly altered in form" by the artist. Such charge belongs to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street Artists Program." Because of the above charges, the issuance or renewal of the certificates of Mr. Yore and Ms. Hagen have been withheld pending hearing with the Street Artists Committee.

2. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by (1) allowing any helper or Lottery Committee member on a main lottery day to enter the lottery and use their number the next day; (2) allowing any helper or Lottery Committee member on the second day of a lottery to enter the lottery on the first day and use their number that day; (3) allowing any designated helper on a Wednesday Wharf lottery to enter the lottery on Tuesday and use their number that day; (4) allowing for unrestricted number of times in any lottery period or weekly period for an artist to be a helper; and (5) allowing for any Lottery Committee member to be a designated helper.

(item submitted by petition of 30 street artists)

3. Program Director report
4. New Business
5. Adjournment

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January 31, 2005

Notices

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Public comment in regard to specific items will be taken before or during consideration of the item.

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San Francisco Arts Commission

February 09, 2005

STREET ARTISTS COMMITTEE

Wednesday, February 9, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

1. Roll Call

Members present: Commissioners P. J. Johnston, Maya Draisin, Rod Freebairn-Smith

Members absent: Commissioner Anne Brauer

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Evelyn Russell, Deputy City Attorney Marie Corlett Blits, Deputy City Attorney Virginia Dario Elizondo

Commissioner Johnston, Chair, called the meeting to order at 3:12 p.m.

2. Hearing and possible motion to approve issuance of certificates or renewal of certificates (continued from 1/12/05). (This hearing was tape recorded; all documents presented are available in the hearing file.)

Sean Yore - Certificate #6044 (expired November 29, 2004) - and Linda Hagen - Certificate #5961 (expired December 27, 2004). Alleged violations: (1) Improper conduct of business: Selling an image created by Mr. Yore and Ms. Hagen copied from a photograph by Kerrick James; (2) Improper conduct of business: Misrepresentation to the public regarding the type of goods sold by selling a print as an "original," "watercolor" painting.

Prior to this meeting, both parties presented "Proposed Findings of Fact and Conclusions of Law" relative to the previous hearing of January 12th. Commissioner Johnston invited both sides to present any additional new evidence that had not been submitted to the Committee. Neither side presented any new evidence.

The Committee allowed a considerable length of time for Mr. Gregory Rutchik, attorney for Mr. Yore and Ms. Hagen, to again present his clients' position.

Under public comment, the following people spoke: Street Artists Linda Amato, Dennis Dooley, Dickran Knoble, Susan Pete, and Program Director Howard Lazar.

Commissioner Johnston moved (1) that, due to a lack of preponderance of evidence, Sean Yore and Linda Hagen not be found in violation regarding the type of goods sold; (2) that it be found that Mr. Yore and Ms. Hagen violated S. F. Police Code Sections 2401 and 2405 by selling a work not "predominantly created or significantly altered in form by the street artist"; (3) that Mr. Yore and Ms. Hagen shall remove the picture at issue from their inventory; (4) that their street artist Certificates be revoked until at least April 1, 2005, and that at that time they must reapply and re-satisfy the Street Artists Program Screening Criteria if they wish to regain their permits; the motion was seconded by Commissioner Freebairn-Smith and unanimously approved.

3. Hearing and possible motion to approve proposal to amend lottery procedure for assigning selling spaces by (1) allowing any helper or Lottery

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NOV 28 2007

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Committee member on a main lottery day to enter the lottery and use their number on the next day; (2) allowing any helper or Lottery Committee member on the second day of a lottery to enter the lottery on the first day and use their number that day; (3) allowing any designated helper on a Wednesday Wharf lottery to enter the lottery on Tuesday and use their number that day; (4) allowing for unrestricted number of times in any lottery period or weekly period for an artist to be a helper; and (5) allowing for any Lottery Committee member to be a designated helper.

Commissioner Johnston ascertained that the authors and proponents of the proposal were not present.

Street Artist Edward Steneck expressed objections to the proposal.

Commissioner Johnston stated that he favored continuing the item pending the authors' contacting the Program Director to confirm their presence at a meeting to present the item.

Commissioner Freebairn-Smith moved to table the item; the motion was seconded by Commissioner Draisin and unanimously approved.

4. Public Comment

Under public comment, Street Artist Michael Addario spoke.

5. Adjournment

There being no further business, Commissioner Johnston adjourned the meeting at 4:28 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

February 28, 2005



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San Francisco Arts Commission

March 09, 2005 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, March 9, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, March 9, 2005 has been cancelled.

February 28, 2005

Notices

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San Francisco Arts Commission

April 13, 2005 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, April 13, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, April 13, 2005 has been cancelled.

April 6, 2005

Notices

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San Francisco Arts Commission

May 11, 2005 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, May 11, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, May 11, 2005 has been cancelled.

May 3, 2005

Notices

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San Francisco Arts Commission

June 08, 2005 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, June 8, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, June 8, 2005 has been cancelled.

June 1, 2005

Notices

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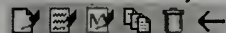


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View Content "May 11, 2005 meeting cancelled"



Content Title: May 11, 2005 meeting cancelled
Content ID: 31593
Status: Approved (Published)
Last User To Edit: Howard Lazar
Last Edit Date: 03-May-2005 09:59:36 AM
Start Date: [None Specified]
End Date: [None Specified]
Date Created: 03-May-2005 09:59:35 AM
Approvals: [None Specified]
History Comment:

Metadata:
old URL:

Summary:

Content:

STREET ARTISTS COMMITTEE
Wednesday, July 13, 2005
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, July 13, 2005 has been cancelled.

July 7, 2005

Notices

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End Date: [None Specified]
Date Created: 03-May-2005 09:59:35 AM
Approvals: [None Specified]
History Comment:

Metadata:
old URL:

Summary:

Content:

STREET ARTISTS COMMITTEE
Wednesday, May 11, 2005
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, May 11, 2005 has been cancelled.

May 3, 2005

Notices

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San Francisco Arts Commission

August 10, 2005 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, August 10, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, August 10, 2005 has been cancelled.

August 8, 2005

Notices

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San Francisco Arts Commission

September 14, 2005 meeting cancelled

STREET ARTISTS COMMITTEE
Wednesday, September 14, 2005
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, September 14, 2005 has been cancelled.

September 8, 2005

Notices

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San Francisco Arts Commission

October 12, 2005

STREET ARTISTS COMMITTEE

Wednesday, October 12, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Agenda

- 5
105
1. Discussion on relocation of street artist space "J-1B" to site of former space "J-4" (Jefferson Street, south side, Hyde to Leavenworth Streets) to replace temporary loss of spaces "J-10" through "J-15" (Jefferson Street, north side, at Leavenworth Street) due to reconstruction of sidewalk.
 2. Hearing on question of increasing street artist certificate fee for fiscal year 2006-07; possible motion to increase certificate fee.
 3. Hearing and possible motion to amend lottery space assignment procedure by prohibiting Lottery Committee members with time remaining on their terms of office from participating in a lottery to fill vacated positions on the Lottery Committee.

(item submitted by street artist petition)

4. Hearing and possible motion to approve reinstatement of Lottery Rule V which prohibits any Lottery Committee member who has served for twelve (12) consecutive months from being considered at the next time of the Committee's selection of members. [NOTE: Lottery Rule V was rescinded by the Arts Commission in May, 2003 "for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue."]

(item submitted by street artist petition)

5. Street Artists Program Director's Report.
6. New Business
7. Adjournment

1. Introduction

2. Methodology

3. Results

4. Discussion

5. Conclusion

6. References

7. Appendix

8. Acknowledgements

9. Contact Information

10. Footer

Notices

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San Francisco Arts Commission

October 12, 2005 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, October 12, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, October 12, 2005, has been cancelled.

October 11, 2005

Notices

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[Meetings >> Street Artists Committee Meetings](#)**San Francisco Arts Commission****November 09, 2005****STREET ARTISTS COMMITTEE****Wednesday, November 9, 2005****3:00 p.m.****25 Van Ness Avenue, Suite 70****Agenda**

1. Hearing on question of increasing street artist certificate fee for fiscal year 2006-07; possible motion to increase certificate fee.
2. Hearing and possible motion to amend lottery space assignment procedure by prohibiting Lottery Committee members with time remaining on their terms of office from participating in a lottery to fill vacated positions on the Lottery Committee.

(item submitted by street artist petition)

3. Hearing and possible motion to approve reinstatement of Lottery Rule V which prohibits any Lottery Committee member who has served for twelve (12) consecutive months from being considered at the next time of the Committee's selection of members. [NOTE: Lottery Rule V was rescinded by the Arts Commission in May, 2003 "for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue."]

(item submitted by street artist petition)

4. Street Artists Program Director's Report.
5. New Business
6. Adjournment

November 3, 2005

Notices

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Individuals and entities that influence or attempt to influence local legislative or

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administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and [web site](#).

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Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>



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San Francisco Arts Commission

November 09, 2005

STREET ARTISTS COMMITTEE

Wednesday, November 9, 2005

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

1. Roll Call

Members present: Commissioners P. J. Johnston, José Cuellar, Alex Lloyd

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Certification Clerk Evelyn Russell

Members of the audience: Street Artists Robert Clark, William Clark, Brian Hopper, Jimmy Sha, Edward Steneck, Julia Zhang

Commissioner Johnston, Chair, called the meeting to order at 3:10 p.m. and welcomed Commissioners Cuellar and Lloyd to the Committee. Commissioner Johnston described major duties of the Committee and the Street Artists Program.

2. Hearing on question of increasing street artist certificate fee for fiscal year 2006-2007; possible motion to increase certificate fee

Program Director Lazar profiled the Street Artists Program's current flow of certificate fee revenue and the continued augmentation of its surplus fees savings to meet its budget. He gave projections of consistent fee revenue and reduced savings balances for fiscal years 2006-2007 and 2007-2008.

In response to a question by Commissioner Lloyd, Mr. Lazar described the history of the enactment of the current three-tiered fee increase ordinance for the self-sufficient Street Artists Program.

Director of Cultural Affairs Richard Newirth commented that, when the Arts Commission had considered increasing the fee three years ago, the Commissioners and staff had considered it to be common business sense to introduce a gradual annual fee increase while drawing down on the remainder of the surplus. The alternative would have been a sudden hefty increase later on for which many of the artists might not have been prepared.

In response to a question by Commissioner Johnston, Program Director Lazar recommended no increase of the certificate fee for FY 2006-2007 and advised that the Committee hold a hearing in the autumn of 2006 to consider increasing the fee for FY 2007-2008.

Commissioner Johnston called for public comment.

Street Artist William Clark informed the Commissioners of his involvement in the creation of the Street Artists Program and submitted a copy of the legislation which established the street artist fund as an interest-bearing special fund. He requested the Commissioners, in their future consideration of the certificate fee, to factor in the total balance of the Program's surplus fees savings rather than let the savings decrease gradually by augmentation of each year's revenue.

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Street Artist Robert Clark commented on his perception of conflicting City Attorney opinions relative to street artist fees held in reserve, and requested the Commissioners to obtain independent legal advice—outside of the City Attorney—as to whether the Program would be entitled to receive surplus fees it had deposited in the general fund during the years 1972-1980.

Director of Cultural Affairs Newirth stated that the City Attorney had clarified that the Arts Commission's fee-setting procedure was legal and that the Board of Supervisors had not deposited the street artist certificate fee revenue into the general fund since the period of 1972-1980.

Mr. Robert Clark requested a response regarding interest due on the street artist fund for the years 1991-1997.

Commissioner Johnston stated that the Clarks had each exceeded three minutes for public comment and that he would close public comment—at which point Mr. William Clark expressed opposition to Mr. Newirth's last comment. Commissioner Johnston warned that he was about to adjourn the meeting. Both Clarks continued speaking. The Commissioner stated that he wished to address the rest of the agenda. The Clarks continued speaking loudly.

Commissioner Johnston adjourned the meeting at 3:40 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

November 21, 2005



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San Francisco Arts Commission

January 11, 2006

STREET ARTISTS COMMITTEE

Wednesday, January 11, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to amend lottery space assignment procedure by prohibiting Lottery Committee members with time remaining on their terms of office from participating in a lottery to fill vacated positions on the Lottery Committee (*item submitted by street artist petition*)
2. Hearing and possible motion to approve reinstatement of Lottery Rule V which prohibits any Lottery Committee member who has served for twelve (12) consecutive months from being considered at the next time of the Committee's selection of members. [NOTE: Lottery Rule V was rescinded by the Arts Commission in May, 2003 "for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue".] (*item submitted by street artist petition*)
3. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Jill Bornemann - Certificate # 6083. Alleged violation: Selling items (sewn fabric bags) not of the artist's own creation.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold issuance or renewal of a street artist's certificate if the artist is charged with selling an item that is not "predominantly created or significantly altered in form" by the artist. Such charge belongs to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street Artists Program." Because of the above charge, the issuance or renewal of the certificate of Ms. Bornemann have been withheld pending hearing with the Street Artists Committee.

4. Street Artists Program Director's Report
5. New Business
6. Adjournment

January 4, 2006

Notices

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Public comment in regard to specific items will be taken before or during

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consideration of the item.

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STREET ARTISTS COMMITTEE

Wednesday, January 11, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to amend lottery space assignment procedure by prohibiting Lottery Committee members with time remaining on their terms of office from participating in a lottery to fill vacated positions on the Lottery Committee *(item submitted by street artist petition)*
2. Hearing and possible motion to approve reinstatement of Lottery Rule V which prohibits any Lottery Committee member who has served for twelve (12) consecutive months from being considered at the next time of the Committee's selection of members. *[NOTE: Lottery Rule V was rescinded by the Arts Commission in May, 2003 "for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue".]* *(item submitted by street artist petition)*
3. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Jill Bornemann - Certificate # 6083. Alleged violation: Selling items (sewn fabric bags) not of the artist's own creation.

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue or renew a street artist certificate if charges have been filed alleging deception or violation of the Street Artists Ordinance. Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold issuance or renewal of a street artist's certificate if the artist is charged with selling an item that is not "predominantly created or significantly altered in form" by the artist. Such charge belongs to the category of "serious violations" which are considered by the Commission to include "violations that significantly threaten the integrity of the Street

Artists Program." Because of the above charge, the issuance or renewal of the certificate of Ms. Bornemann have been withheld pending hearing with the Street Artists Committee.

4. Street Artists Program Director's Report
5. New Business
6. Adjournment

January 4, 2006

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San Francisco Arts Commission

January 11, 2006

STREET ARTISTS COMMITTEE

Wednesday, January 11, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

1. Roll Call

Members present: Commissioners P. J. Johnston, José Cuellar, Alex Lloyd

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Johnston, Chair, called the meeting to order at 3:10 p.m. and stated that the Committee would hear the agenda's third item (a hearing on an alleged violation) first.

2. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Jill Bornemann - Certificate #6083. Alleged violation: Selling items (sewn fabric handbags) not of the artist's own creation

Commissioner Johnston read aloud from the agenda that "*Under the Arts Commission's Section 5 procedures, the Director of Cultural Affairs may withhold issuance or renewal of a street artist's certificate if the artist is charged with selling an item that is not 'predominantly created or significantly altered in form' by the artist. Such charge belongs to the category of 'serious violations' which are considered by the Commission to include 'violations that significantly threaten the integrity of the Street Artists Program'. Because of the above charge, the issuance or renewal of the certificate of Ms. Bornemann have been withheld pending hearing with the Street Artists Committee*".

Program Director Howard Lazar presented a chronology of events of the case leading up to the hearing. An initial complaint against Ms. Bornemann had come on June 28, 2005 from street artist Madeline Marrow. There followed a report on July 2, 2005 submitted by members Josie Grant and Jacqueline Thompson of the Advisory Committee of Street Artists and Craftsmen Examiners which alleged that Ms. Bornemann had given self-contradictory statements to their questions regarding the making of her fabric handbags. One of her statements was that she jobbed out the cutting of her fabrics to a shop in Chinatown. On July 14 and September 1, 2005, the Program Director wrote to Ms. Bornemann offering her opportunities to request a studio visit by the Advisory Committee to verify whether she made the handbags she sold as a street artist. As no reply was received, Ms. Bornemann was sent a "NOTICE OF WITHHOLDING OF CERTIFICATE" and a "NOTICE OF HEARING" with the Program Committee.

In response to questions by the Program Director, Advisory Committee member Jacqueline Thompson stated that Ms. Bornemann told her she did all of the work; but, under further questioning, she told her that she had a workshop of people making some of the work. She also told her that her street artist booth

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displayed samples of handbags she entirely made; however, Ms. Thompson noted that the "samples" were all of the same design. Ms. Thompson explained to the Commissioners that a sample is typically made by an artist to find out if it "works" - that is, whether the fabric holds up or whether the design is appealing. The multitude of "samples" on Ms. Bornemann's display was not, she said, in keeping with the purpose of a sample. Furthermore, Ms. Thompson observed a prodigious amount of handbags on Ms. Bornemann's display week after week.

Ms. Thompson, having been appointed to the Advisory Committee by the Mayor because of her arts and crafts expertise, stated that she was qualified as an expert witness as to the nature of the production of the items on Ms. Bornemann's table. It did not seem feasible that one person could produce the high volume of wares displayed by Ms. Bornemann, unless it represented a backlog of work accumulated over many years of effort.

In response to questions by the Program Director, Advisory Committee member Josie Grant stated that Ms. Bornemann had blocked her from taking pictures of her display and that, under questioning, told her that while she had the pieces cut by a shop in Chinatown, it was just her husband and she doing the work; her husband, a fireman, helped her do the sewing. Ms. Bornemann had agreed to submit to a studio visit but later informed Ms. Grant that she moved to Sacramento and would not be selling in San Francisco. Ms. Grant, also appointed by the Mayor because of her expertise, stated that she, as an expert witness, did not feel that Ms. Bornemann made all of the handbags at her display, that she made samples, that she was an accomplished seamstress who designed the bags, "but the volume of work, the crispness of the work ... really says to me that these are mass-produced". There were too many of the same pattern, Ms. Grant added, to be called "samples".

In response to questions by the Program Director, Street Artist Madeline Marrow stated that she has been a street artist licensed by the Arts Commission for the past ten years to make and sell her ceramics, that she did not feel it was possible for a single street artist to produce the volume of work displayed by Ms. Bornemann, and that it was apparent that all the handbags on the display were made by other persons - this, she said, is attested to by the high volume of handbags and "how perfectly they are made ..." as if "they came off a manufacturing line". Ms. Marrow further stated that Ms. Bornemann's website (Ms. Marrow furnished a printed copy to the Commissioners) specified that her handbags were being sold in sixty stores in fourteen states and three countries.

Ms. Marrow went on to state that, while Ms. Bornemann told Ms. Grant she would no longer be selling in San Francisco, her website listed her presence at Justin Herman Plaza every Tuesday and Saturday. Furthermore, when she sells, she discounts her handbags by fifty percent which no street artist who is making his or her own work can afford to do.

In response to questions by the Program Director, Street Artist Julie Kingsley stated that she has been a street artist licensed by the Arts Commission for eight years to make sewn fabric hats and capes (she submitted photos of her work to the Commissioners), and that she also participates in arts and crafts shows. She stated that a year and a half previously, on a Tuesday at Justin Herman Plaza, Ms. Bornemann told her that she utilized the services of a sewing shop in Chinatown, that it was convenient to stop there in the morning and pick up her bags and bring them to the Plaza to sell them. Ms. Kingsley stated that she could produce the telephone number of the shop and that, while she did not know its name, the person she was told to deal with was a man named "Ping". She added that Ms. Bornemann encouraged her to use the shop for her own items and encouraged other street artists as well.

In response to further questioning, Ms. Kingsley stated that the handbags on Ms. Bornemann's display could not have been made by Ms. Bornemann alone, as they showed a "uniformity" of manufacture. An artist doing her own sewing would become weary after many hours, and the sewn lines would start to curve, resulting in each item appearing a little different from another. Furthermore, she said, the amount of time Ms. Bornemann would have to spend selecting fabric, participating in trade shows, submitting applications for entry on time - all of which, Ms. Kingsley said, is evident from Ms. Bornemann's website - as well as selling at the Plaza each week would preclude her from producing the volume of handbags she displays.

In response to a question from Commissioner Johnston, Program Director Lazar stated, as his opinion, that an artist's use of a third party or outside shop to produce, or assist in the production of, items would be in violation of the Street Artists Ordinance's definition of "Handcrafted Item"; furthermore, it would constitute a violation of the Arts Commission's criteria for "sewn items" which require an artist to perform both the cutting and sewing of the item. This criteria has been in effect since 1977 and was promulgated under the Commission's authority to administer and enforce the Street Artists Ordinance.

Ms. Kingsley stated that if Ms. Bornemann were allowed to continue using the Chinatown shop, it would not prevent other artists from jobbing out the manufacturing of their designs; they would do it to avoid being adversely affected economically by Ms. Bornemann. This would result, she said, in the public no longer perceiving the Street Artists Program as a program of artists making their own handcrafts.

Commissioner Johnston stressed that his Committee existed to ensure the integrity of the Street Artists Program.

Street Artist Jill Bornemann responded to the charge by stating that, because she is the only person in her family earning a living, she sells her items as both a street artist and a wholesaler to stores. While she has representatives, however, she submitted documents which (she said) showed that her reps were not bringing in any accounts, with the exception of the east coast. With respect to the handbags she sells as a street artist, she stated that she can cut ten layers of fabric with an industrial cutter; in addition, she can make the seams and sew on the labels.

In response to questions by Commissioner Johnston, Ms. Bornemann stated that everything on her street artist display was made exclusively by her.

In response to questions by Commissioner Lloyd, Ms. Bornemann stated that she can produce forty handbags per week which involves thirty to forty hours of sewing time per week. If required, she could produce ten handbags for a studio visit. She has sixty to a hundred handbags in her inventory. Seventy percent of her sales are through the Street Artists Program.

Commissioner Cuellar noted from an invoice that Ms. Bornemann had purchased a thousand buckles which the Commissioner and Commissioner Lloyd noted as not being proportional to her inventory. Ms. Bornemann explained that she purchased a thousand buckles to take advantage of the large quantity's low cost.

Under further questioning by the Commissioners, Ms. Bornemann stated that the fabric pieces she cuts go to a manufacturer for duplication, and this is a separate project from what she sells on the street. She added that she creates her items by an assembly line process which is why her items appear to be perfectly made. She was agreeable to having a studio visit.

Commissioner Johnston called for public comment.

Street Artist Madeline Marrow stated that she has viewed Ms. Bornemann's work at Justin Herman Plaza and also at shows and that it was the same work.

Commissioner Johnston requested the Program Director to schedule the Advisory Committee for a visit to Jill Bornemann's studio.

Commissioner Johnston moved that the item be continued, pending the outcome of the studio visit, to the following month's meeting of the Program Committee or no later than the meeting of March; the motion was seconded by Commissioner Cuellar and unanimously approved.

3. **Hearing and possible motion to amend lottery space assignment procedure by prohibiting Lottery Committee members with time remaining on their terms of office from participating in a lottery to fill vacated positions on the Lottery Committee**

Commissioner Johnston acknowledged the proposal's support by a petition of twenty-five names. The Program Director explained the selection process for members of the Lottery Committee.

Speaking in support of the proposal were Lottery Committee members Brian Hopper and Edward Steneck and street artist Madeline Marrow. They expressed that the proposal would discourage members from adding time to their terms and monopolizing the committee's positions; at the same time, it would encourage other artists to get involved in the selection process.

Speaking against the proposal was street artist Rostislav Kovarik who expressed that it would diminish the odds of other artists joining the Lottery Committee.

Without taking action on the item, the Commissioners went on to hear the next item.

4. **Hearing and possible motion to approve reinstatement of Lottery Rule V which prohibits any Lottery Committee member who has served for twelve (12) consecutive months from being considered at the next time of the Committee's selection of members**

The Commissioners noted that Lottery Rule V was rescinded by the Arts Commission in May, 2003 "for the duration of one year subject to the rescission's continuation unless a complaint warrants a new hearing on the issue". The present item was submitted by street artist petition.

Speaking in support of the proposal to reinstate Lottery Rule V were Lottery Committee members Brian Hopper and Edward Steneck. Speaking against it was Lottery Committee member Jimmy Sha.

In reference to the two lottery proposals, Commissioner Johnston stated that neither proposal addressed the problem of loss of Committee members during slow business months and increased numbers of artists wanting to join the Committee during busy months. He was reluctant to change rules that would likely cause the Arts Commission to reinstate them. He preferred to see more support from the artists, by petition or public testimony, on the proposed changes.

Commissioner Lloyd stated that he wanted to see a further assessment of artist support of the proposals, as well as consideration of possible penalties for artists terminating their service on the Lottery Committee. He noted that the current selection process was not unfair.

Commissioner Johnston moved that both items be tabled; the motion was seconded by Commissioner Cuellar and unanimously approved.

5. **Street Artists Program Director's Report**

There was no report

6. **New Business**

Street Artist Edward Steneck stated that there were two members of the Lottery Committee who have not run lotteries for months but have given them to another member to run. Mr. Steneck expressed that give-away lotteries should be divided among all members of the Committee.

Commissioner Johnston adjourned the meeting at 4:46 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

January 24, 2006



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San Francisco Arts Commission

February 8, 2006 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, February 8, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, February 8, 2006 has been cancelled.

1.

February 2, 2006

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Public comment in regard to specific items will be taken before or during consideration of the item.

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San Francisco Arts Commission

March 08, 2006 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, March 8, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, March 8, 2006 has been cancelled.

March 1, 2006

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San Francisco Arts Commission

April 12, 2006 meeting cancelled

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STREET ARTISTS COMMITTEE
Wednesday, April 12, 2006
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, April 12, 2006 has been cancelled.

April 4, 2006

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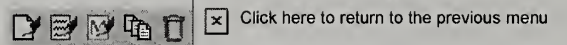
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[Meetings >> Street Artists Committee Meetings](#)**San Francisco Arts Commission****May 10, 2006 meeting cancelled****STREET ARTISTS COMMITTEE****Wednesday, May 10, 2006**

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, May 10, 2006 has been cancelled.

May 4, 2006

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Meetings >> [Street Artists Committee Meetings](#)

San Francisco Arts Commission

June 14, 2006 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, June 14, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, June 14, 2006 has been cancelled.

June 12, 2006

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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[Meetings >> Street Artists Committee Meetings](#)

San Francisco Arts Commission

July 12, 2006 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, July 12, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, July 12, 2006 has been cancelled.

July 6, 2006

Notices

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Meetings >> Street Artists Committee Meetings**San Francisco Arts Commission**

August 09, 2006 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, August 9, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, August 9, 2006 has been cancelled.

August 3, 2006

Notices

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San Francisco Arts Commission

September 13, 2006

STREET ARTISTS COMMITTEE

Wednesday, September 13, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Informational presentation on proposal for Board of Supervisors designation of four (4) street artist selling spaces on the 400 block of Hayes Street, north side, at Octavia Street. *(Item submitted by street artists)*
2. Hearing and possible motion to approve proposal by Street Artists Program Director for Board of Supervisors designation of temporary winter holiday selling spaces for street artists in the Downtown area and at Harvey Milk Plaza; designation for November 15, 2006 through January 15, 2007. *(Proposal for the same temporary spaces that were approved the previous three years: 64 temporary spaces in the Downtown area and 7 temporary spaces at Harvey Milk Plaza.)*
3. Street Artists Program Director's report
4. New Business
5. Adjournment

August 30, 2006

Notices

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San Francisco Arts Commission

September 13, 2006

STREET ARTISTS COMMITTEE

Wednesday, September 13, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes (as amended by November 8, 2006 meeting)

1. Roll Call

Members present: Commissioners Alexander Lloyd, José Cuellar, P. J. Johnston

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:10 p.m.

2. Informational presentation on proposal for Board of Supervisors designation of four (4) street artist spaces on the 400 block of Hayes Street, north side, at Octavia Street.

Street Artists Program Director Howard Lazar referred the Commissioners to a map he had drawn of the northwest sidewalk of Hayes Street, at Octavia Street, where four new spaces, proposed by street artists Bill and Bob Clark, could be situated. The locations of the spaces would be able to meet all of the fire and safety regulations with the exception of the requirement for spaces to be not within eighteen inches of the curb. In order to allow for the required eight feet of pedestrian passageway between the spaces and the opposite edge of the sidewalk, the three-foot-deep spaces would have to be placed twelve inches from the curb, necessitating an exemption from the Board of Supervisors. As to their proximity to nearby stores, two of the spaces could be placed closest to the Octavia Street corner, the first space being ten feet away from the Flipper's Hamburgers building. The other two spaces could be adjacent to an eighty-four-foot long fenced parking lot.

Should the Commissioners wish to pursue the proposal, Mr. Lazar stated that he would contact the merchants of the area for their consent and would invite them to give input at a subsequent Street Artists Committee meeting.

Street Artist Bill Clark stated that he was disappointed that the Program Director did not notify the merchants about the hearing on the item because he had asked that the item be put on the agenda without requesting a motion in order for the merchants to express their opinions and the committee to hear the item without the pressure of having to take an immediate vote. He further stated that the sidewalk in question offered much latitude for placement of the spaces, and that he envisioned the spaces as being farther away from Flipper's.

Street Artist Bob Clark stated that, rather than dividing the spaces into two groups, he proposed that all four be placed further down the sidewalk (eastward) so that they could not be blamed for adversely affecting the stores. Mr. Clark went on to say that, rather than requesting the Board of Supervisors to exempt the spaces from the curbside regulation, he, as a street artist, would be willing to set up his table in a two-and-a-half-foot (instead of a three-

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foot) deep space.

The Commissioners requested the proposal to be pursued, that more selling spaces be obtained for the artists, and that the Program Director meet with representatives of the Department of Public Works and merchants of the area.

3. Hearing and possible motion to approve proposal by Street Artists Program Director for Board of Supervisors designation of temporary winter holiday selling spaces for street artists in the Downtown area and at Harvey Milk Plaza; designation for November 15, 2006 through January 15, 2007.

Program Director Lazar submitted his proposal for the same temporary spaces that had been approved by the Board of Supervisors for the previous three years: sixty-four temporary spaces in the Downtown area (fifty of these spaces approved for the previous thirteen years) and the same seven temporary spaces at Harvey Milk Plaza (which had been designated for the previous eleven years and the winter season of 1992-93). The time period of usage of the spaces would be the same as had been approved for the previous sixteen years: November 15 - January 15. If recommended by the Arts Commission, this would be the twenty-fifth consecutive year that the Commission would submit a request-package of temporary winter holiday spaces, on behalf of the street artists, to the Board of Supervisors.

Mr. Lazar informed the Commissioners that both the Union Square Association and the Union Square Business Improvement District were in support of the proposal.

No comments were received from the public.

Commissioner Johnston moved that the proposal for temporary street artist spaces for the 2006-07 winter holiday season be approved; the motion was seconded by Commissioner Cuellar and unanimously approved.

Director of Cultural Affairs Richard Newirth recommended that the Program Director, before marking the spaces, verify that none conflict with the public's view of recently installed historic panels.

4. Street Artists Program Director's report.

The Program Director reported on the success of the street artists' participation at the July 23rd "Summer in the City" concert at Dolores Park. The Symphony had again requested the artists' presence; the Street Artists Program's 400 hundred artists were notified, fifty-four responded, and twenty were selected by lottery to set up their booths at the concert. If street artists were to be invited next year, the Program Director recommended that a lottery be initiated prior to the day of the event to determine the exact locations for the artists.

Director of Cultural Affairs Newirth and Program Assistant Russell reported their observations of the artists' participation at the concert: certain types of crafts did better than others; some of the artists seemed very pleased to be present, while others seemed not so enthusiastic.

The Program Director further reported on his relocating four year-round spaces on the Market Street sidewalk for compliance with the new doorways of the Westfield/Bloomingtondale's shopping complex. Mr. Lazar thanked Ms. Leigh Ann Baughman, Executive Director of the Union Square Business Improvement District, and street artists Jimmy Sha, Mario Hernandez, and Sabino Sevilla for their help in measuring and marking the new locations for the spaces.

In an effort to ensure street artist compliance with the display space regulations, the Business Improvement District began a monitoring program over the summer to electronically report the artists' activities daily to the Street Artists Program Director. As a result, the Program Director sent out several written warnings and, as hearing officer, conducted three public hearings with alleged violators who ultimately signed statements pledging compliance with the law in order to receive renewal of their certificates.

Mr. Lazar further reported that on September 20th Mr. Newirth and he will be

requesting the Board of Supervisors' Finance Committee to recommend passage of an ordinance to allow the Street Artists Program to reimburse members of the Advisory Committee of Street Artists and Craftsmen Examiners for reasonable travel expenses to and from screenings, studio visits, and monitoring assignments.

5. New business.

Street Artist Philip Northrop asked about the status of United Nations Plaza as an area for street artist usage. Program Director Lazar responded that twenty-five years ago the Board of Supervisors had designated fifty spaces for street artists at the Plaza and that an agreement had been arranged between the artists, the Market Street Association, and the farmer's market using the Plaza whereby on farmer's market days the artists would be restricted to selling in the area of the Plaza east of the Leavenworth Street line and west of Market Street.

Commissioner Johnston requested Mr. Lazar to show interested artists where they can set up their displays in the Plaza.

Street Artist Bill Clark read from a list of proposals he had submitted and requested that they not be heard at any one time but considered over the course of a year. Mr. Clark requested (1) a hearing to discuss enforcement of the bead stringing criteria; (2) a hearing on the current Program policy of giving free street artist certificates to disabled veterans; (3) a hearing "to discuss what the Arts Commission suggests a street artist do if they become aware of any street artist who is required by federal law to have a green card and does not have a green card"; (4) a hearing on a proposal for any street artist certified to sell a "non-handmade item" to not be allowed to have a family unit member; (5) a hearing on a proposal to change the language on the back of the street artist certificate relating to "handmade craft product"; (6) a hearing on a proposal to change the language on the back of the street artist certificate relating to "the vendor or his family unit"; (7) a hearing on a proposal to allow any street artist who misses a main lottery to be given a last number at the following day's sign-in of the same lottery period; (8) a hearing on a proposal to not allow certification of computer-generated paintings on canvas, wood, etc.; (9) a hearing on a proposal to not allow street artists to be lottery helpers who do not know the English alphabet and/or who cannot count from 0 to 9 in English; (10) a hearing to discuss the "F"-line streetcar proposals; (11) a hearing on a proposal for the Arts Commission to request a Board of Supervisors hearing to consider "asking the City to return to the street artist special fund all the interest from 1991 - 1997 which accrued from the surplus in the street artist fund"; (12) a hearing to request that a letter be sent by the Arts Commission to the Port Commission to enforce the law against all unlicensed street vendors on Port property; and (13) a hearing on a proposal for the Arts Commission to request the chairperson of the street artist Lottery Committee to attend all Street Artists Committee meetings.

Street Artist Rostislav Kovarik commented that street artists do not want to attend the Street Artists Committee meetings when there are only two items on the agenda.

Street Artist Bob Clark commented that he disagreed with some artists who feel that they cannot express themselves to the Street Artists Committee; because every agenda provides for public comment.

Street Artist Michael Addario read from a proposal he submitted requesting the Arts Commission's assistance in acquiring funds, outside of the Street Artists Program's fund, to provide for (1) a brochure "spotlighting this historic program" and "the artists involved"; (2) a celebration of the Program's 35th anniversary with food, refreshments, banners, and a closure of Beach Street; (3) reduced admission fees for licensed street artists to San Francisco museums; and (4) enforcement and removal of unlicensed vendors "who are confusing the public, merchants, and certain city officials" from discerning licensed street artists from unlicensed vendors. Mr. Addario submitted photos he had taken of numerous unlicensed vendors selling at Fisherman's Wharf during the previous summer. The majority of these vendors were shown selling in prime areas where, Mr. Addario stated, the Port has refused to allow street artists to sell. Mr. Addario further stated that because enforcement of the illegal vendors was not a priority of the police, he was seeking funding to hire off-duty police

officers to cite and remove the vendors and confiscate their merchandise.

Commissioner Lloyd said that his committee would consider Mr. Addario's request, as the Commissioners did not wish to see illegal vending taking place.

Street Artist Edward Steneck requested that the Street Artists Program staff resume producing an attrition list of expired certificates which would enable the lottery personnel to ascertain valid from invalid permits. Mr. Steneck also requested that the Arts Commission rescind its policy allowing artists to pay their fees after their certificates expire (but within their renewal grace period).

Street Artist Susan Pete expressed disappointment over the Street Artists Committee not meeting for eight months and asked that the Commissioners make monthly meetings a priority. Ms. Pete also requested resumption of an attrition list, as this would help the lottery personnel decipher not only expired certificates but fraudulent certificates as well. She further requested that the Program re-screen the artists every three years to verify that they are continuing to sell items for which they were initially approved.

Street Artist Rostislav Kovarik stated that in the previous week he counted 126 illegal vendors selling on the city's streets.

After public comment, Commissioner Cuellar moved to adjourn the meeting; the motion was seconded by Commissioner Johnston and unanimously approved. The meeting adjourned at 4:10 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

June 14, 2007



San Francisco Arts Commission

October 11, 2006

STREET ARTISTS COMMITTEE

Wednesday, October 11, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Manuel Loli - Certificate # 6040. Alleged violations: (1) Improper, hazardous conduct of business (battering a street artist); (2) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, pipes, purses).

2. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Stephen Noland - Certificate # 7452. Alleged violation: Improper, hazardous conduct of business (pushing Arts Commission Advisory Committee member; obstructing the duty of Advisory Committee member).

3. Hearing and possible motion to approve issuance of certificate or renewal of certificate

Norma Hanley - Certificate # 7389. Alleged violation: Improper, hazardous conduct of business (hitting Arts Commission Advisory Committee member; obstructing the duty of Advisory Committee member).

4. Street Artists Program Director's Report

5. New Business

6. Adjournment

September 28, 2006

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Public comment in regard to specific items will be taken before or during consideration of the item.

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San Francisco Arts Commission

October 11, 2006

STREET ARTISTS COMMITTEE

Wednesday, October 11, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

Members present: Commissioners Alex Lloyd, José Cuellar, P. J. Johnston

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:15 p.m. At the request of Commissioner Lloyd, Commissioner Johnston chaired the meeting and took the last two agenda items, "Street Artists Program Director's Report" and "New Business," out of order.

1. Street Artists Program Director's Report.

Street Artists Program Director Howard Lazar reported that, just prior to the meeting, he had presented the Arts Commission's proposal for winter holiday selling spaces, on behalf of the street artists, to the Board of Supervisors' Land Use Committee which passed the item to the full Board.

Mr. Lazar also reported that Director of Cultural Affairs Richard Newirth and he presented to the Board of Supervisors' Finance Committee on September 20, 2006, the draft ordinance allowing the Street Artists Program to reimburse members of the Advisory Committee of Street Artists and Craftsmen Examiners for reasonable travel expenses to and from screenings, studio visits, and monitoring assignments. The Finance Committee passed the item to the full Board.

Lastly, Mr. Lazar reported that the Westfield/Bloomington's shopping center paid street artists a total of \$6,000 for the use of six street artist spaces outside the center's doors on Market Street for five days of celebration of the center's opening, September 27 through October 1, 2006. Mr. Lazar directed the Street Artists Program's Lottery Committee to hold a lottery for each of the five days in order to ascertain six artists who would have used the spaces for the day. The fortunate artists were each paid \$200 directly by Executive Director Leigh Ann Baughman of the Union Square Business Improvement District. This eliminated a time-consuming task for Mr. Lazar of having to initiate and process invoices and payment requests on behalf of the artists, as well as the artists' having to wait for City Controller approval of their compensation. Mr. Lazar thanked Ms. Baughman for offering this help and for taking the time to pay the artists directly.

2. New business.

Street Artist Michael Addario informed the Commissioners of a recent Board of Supervisors resolution urging commissions and committees to adopt meeting attendance policies for their members.

Street Artist Kathleen Hallinan requested that members of the Advisory Committee of Street Artists and Craftsmen Examiners make regular monitoring visits to the street artist area of Fisherman's Wharf and not just to the artists' area of Justin Herman Plaza.

3. Hearing and possible motion to approve issuance of certificate or renewal

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of certificate.

Manuel Loli - Certificate #6040. Alleged violations: (1) Improper, hazardous conduct of business (battering a street artist); (2) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, smoking pipes, leather coin purses).

The Street Artists Program hired a Spanish-to-English interpreter through Auerbach International, Inc. to assist Mr. Loli. For the duration of the entire hearing, Ms. Leslie Walker continuously interpreted for Mr. Loli the testimony and statements made by witnesses, Commissioners, and staff; and interpreted Mr. Loli's statements and those of his attorney, Ms. Kathleen Morgan, to the Commissioners.

(A complete audio recording of the hearing is available upon request to the Street Artists Program.)

The Street Artists Committee heard each charge separately.

With respect to the first charge, the Committee acknowledged having received from the Program Director copies of a police report and a statement to the Program Director filed by Street Artist Mario Hernandez against Street Artist Manuel Loli.

Mr. Hernandez testified to photographing Mr. Loli and Street Artist Oscar Bevilacqua selling in illegal locations on Jefferson Street and Mr. Loli aggressively pursuing him and butting his head against Mr. Hernandez's head.

In response to questions by the Commissioners and the Program Director, Street Artist Kathleen Hallinan testified to her observation of the incident (that Mr. Loli aggressively pursued Mr. Hernandez and that, while she did not see him butt his head against him, she saw Mr. Hernandez's hat abruptly fall off his head).

Attorney Kathleen Morgan cross-examined Ms. Hallinan and submitted a copy of a paper signed on the day of the incident by Ms. Hallinan and by artist Oscar Bevilacqua as witnesses to a signed statement by Mr. Loli (alleging that Mr. Hernandez pushed and threatened him).

Street Artist Oscar Bevilacqua, in response to questions by the Commissioners and the Program Director, testified to his observation of the incident, which contradicted Ms. Hallinan's testimony, and testified to the character of Mr. Loli and the character of Mr. Hernandez.

Street Artist Manuel Loli, with the assistance of his attorney, defended himself.

Street Artists Enrique Perez and Mike Hanley and non-street artist Darlene Frazier each expressed conflicting views of the character of Mr. Loli and Mr. Hernandez but did not witness the incident.

After closure of public testimony, Commissioner Johnston stated he did not perceive a consensus or preponderance of evidence nor sustenance of damage to sustain the charge against Mr. Loli.

Commissioner Cuellar stated that, because the evidence was contradictory, he, too, was not prepared to sustain the charge.

Commissioner Lloyd agreed that evidence from both sides was equal in weight.

Commissioner Johnston stated that it was evident that both Mr. Loli and Mr. Bevilacqua, on the day of the incident, had not wanted to be photographed. The Commissioner requested Program Director Lazar hereafter to pay close attention to Mr. Loli's selling activities.

Before rendering a decision on the first charge, the Committee heard the second charge against Mr. Loli.

Program Director Lazar outlined the charge of Mr. Loli's allegedly selling

items not of his own creation on September 9 and 13, 2006, at Justin Herman Plaza.

He referred the Commissioners to copies of photographic evidence and notes he had previously mailed to them, to Mr. Loli, and to Mr. Loli's attorney. Closeups of various items of merchandise were depicted in photos and described in notes submitted by members of the Advisory Committee of Street Artists and Craftsmen Examiners and by photos submitted by a witness whose name was confidential. Mr. Lazar stated that Mr. Loli had never received certification to sell the arrowheads, decorated gourds with figures, ceramic boxes, hemp and bead jewelry, white smoking pipes, elaborately sculpted figures, woven bracelets, and leather coin purses shown in the photos; furthermore, the Advisory Committee doubted these items were of Mr. Loli's creation. While he had received certification to sell "pipes and jewelry from bamboo, leather, clay, and beads," "bottle figurines and incense holders," and "wood pipes" of a folding design, the items of these categories shown on his display did not appear to be the same items shown in the photos of his screenings on file.

The Program Director stated that the charge of an artist's not selling items of his own creation cut to the very heart of the Street Artists Ordinance and the Commission's commitment to the voters of the ordinance. Mr. Lazar further stated that on June 12, 2006, (three months prior to the incidents) he had sent Mr. Loli a written warning against continuing to sell items not of his own creation; the warning was based on a police report that Mr. Loli had been observed selling commercially manufactured glass smoking pipes.

Street Artist Susan Pete testified to having taken and submitted the photos as evidence of Mr. Loli's display on September 13, 2006, and responded to questions from the Commissioners.

Advisory Committee Members Josie Grant and Susan Tibbon testified to having taken the photos and notes as evidence of Mr. Loli's display on September 9, 2006. In response to questions from the Commissioners, the members stated that they had noted Mr. Loli had not been certified to sell the leather coin purses nor the bead and hemp jewelry; that his flutes bore a distinctive Peruvian painting style and appeared to be imported; and that intricately detailed sculptures like those displayed on his table are invariably signed by the artist, whereas his were not.

Attorney Kathleen Morgan produced her client's street artist certificate and stated that he was screened for items which, due to his facility, have evolved. She submitted photo-close-ups of latex-gloved hands holding some of the sculpted items in question in finished and unfinished form, and requested a studio visit so that Mr. Loli could prove that he made all the items.

Mr. Loli stated that, while he had been observed selling the glass pipes, he had done so late in the evenings on weekends, like other vendors selling different items, and that he never sold such pipes in street artist areas during street artist times. He requested a date for a studio visit to demonstrate making his own art.

Street Artist Mike Hanley testified that he witnessed Mr. Loli selling the glass pipes he does not make, and that he saw a male vendor sell Mr. Loli the pipes.

Street Artist John Thomey expressed that he doubted Mr. Loli's veracity.

After public testimony had been received, Commissioner Johnston observed that the Street Artists Program relies on self-policing, that it was a permitted privilege - not a right - for an artist to sell his wares on the streets, and that it was necessary to maintain the integrity of the Program. If the outcome of a studio visit were to prove not in Mr. Loli's favor, the Commissioner was prepared to sustain the charge against him and recommend denial of renewal of his certificate.

Commissioner Cuellar stated that the Program was about street artists who create their own art as opposed to merely augmenting created items. He expressed doubt as to whether a studio visit would be worthwhile.

Commissioner Johnston moved that the first charge against Mr. Loli (improper, hazardous conduct of business) be dismissed; that Mr. Loli's

certificate be renewed and be subject to findings from a further hearing of (a) the charge against Mr. Loli of selling items not of his own creation and (b) the charge of selling items not certified by the Arts Commission; and that such findings be issued after consideration of findings, relative to the above two charges, to be submitted by the Advisory Committee of Street Artists and Craftsmen Examiners after conducting a studio visit with Mr. Loli. The motion was seconded by Commissioner Lloyd and unanimously approved.

Commissioner Johnston clarified that if Mr. Loli intended to continue to sell glass pipes, he should be able to show the Advisory Committee that he makes them, or have his certificate subject to possible revocation.

4. Hearing and possible motion to approve issuance of certificate or renewal of certificate.

Stephen Noland - Certificate # 7452. Alleged violation: Improper, hazardous conduct of business (pushing Arts Commission Advisory Committee member; obstructing the duty of Advisory Committee member).

Street Artist Stephen Noland was present.

Program Director Lazar informed the Commissioners that a primary witness to the incident, as well as the incident of the next agenda item, was, because of the length of time taken by the previous hearing, no longer able to be present; accordingly, Mr. Lazar requested that the hearing and the hearing of the next item be continued.

Commissioner Johnston requested that the item and the next item be continued and that the Program Director attempt to resolve the issues between the parties in lieu of a Street Artists Committee hearing. If the issues cannot be resolved, the Commissioner said the Committee would hear these cases at a future meeting with possible action to be taken on the artists' certificates.

Commissioner Johnston moved to continue the item; the motion was seconded by Commissioner Lloyd and unanimously approved.

5. Hearing and possible motion to approve issuance of certificate or renewal of certificate.

Norma Hanley - Certificate # 7389. Alleged violation: Improper, hazardous conduct of business (hitting Advisory Committee member; obstructing the duty of Advisory Committee member).

In keeping with the motion of the previous item, Commissioner Johnston moved to continue the item; the motion was seconded by Commissioner Cuellar and unanimously approved.

6. New business.

Street Artist Kathleen Hallinan stated that there was no room for violence in the Street Artists Program, that many artists have requested the Advisory Committee to check all artists' wares, and that the artists should allow their displays of items to be checked and photographed.

Street Artist Mike Hanley urged that Advisory Committee members do not disrupt potential sales by asking to see the artists' permits, that the members wait until a customer leaves before asking to see the permit or questioning the artist. Mr. Hanley stressed the importance of having the Advisory Committee check the wares, as he did not wish to see imported glass pipes continuing to be sold near him.

Street Artists Susan Pete and Enrique Perez questioned the Program Committee on details of the Manuel Loli case, to which Commissioner Johnston replied that the matter was closed and would not be discussed until heard at a future meeting. In the meantime, public documents relative to the case could be viewed at the Program Director's office.

Street Artist Michael Addario requested a commitment from the Committee to publish a street artist attrition list in the near future, so that invalid permits

could be ascertained by Lottery Committee members. He illustrated the problem by stating that recently the artists had for six months tolerated the presence of a former certificate-holder who was showing what the artists discovered later was a bogus certificate.

Program Director Lazar stated that he would be willing to meet with Mr. Addario and other artists on inventing a procedure less cumbersome than that of the previous attrition list procedure.

Commissioner Johnston adjourned the meeting at 5:40 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

hl 11/21/06



San Francisco Arts Commission

November 08, 2006

STREET ARTISTS COMMITTEE

Wednesday, November 8, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance, renewal, suspension, or revocation of certificate

Manuel Loli - Certificate # 6040. Alleged violations: (1) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, pipes, purses); (2) Selling items not certified by Arts Commission. *(hearing continued from October 11, 2006 meeting)*

(In its hearing on October 11, 2006, the Street Artists Committee moved that Mr. Loli's certificate be renewed and be subject to findings from a further hearing of (a) the charge against Mr. Loli of selling items not of his own creation and (b) the charge of selling items not certified by the Arts Commission; and that such findings be issued after consideration of findings, relative to the above two charges, to be submitted by the Advisory Committee of Street Artists and Craftsmen Examiners after conducting a studio visit with Mr. Loli.)

2. Hearing and possible motion to approve proposal for Arts Commission to require chairperson of street artist Lottery Committee to attend all Street Artists Committee meetings. *(proposal submitted by street artists)*
3. Hearing and possible motion to approve proposal to amend street artist lottery procedure to allow any street artist who misses a main lottery to be given a last number at the following day's sign-in of the same lottery period. *(proposal submitted by street artists)*
4. Street Artists Program Director's Report
5. New Business
6. Adjournment

November 2, 2006

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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**San Francisco Arts Commission**

November 08, 2006

STREET ARTISTS COMMITTEE

Wednesday, November 8, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

Members present: Commissioners Alexander Lloyd, Jose Cuellar, P. J. Johnston

Members absent: none

Staff present: Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:02 p.m. At the request of Commissioner Lloyd, Commissioner Johnston chaired the meeting.

1. Street Artists Program Director's Report.

Street Artists Program Director Howard Lazar submitted a request of Street Artist Bill Clark for an amendment to the Committee's minutes of September 13, 2006.

Commissioner Johnston moved that the minutes of September 13, 2006 be amended by deleting from the third paragraph of Item 2 the statement "Street Artist Bill Clark stated that he had tried to get the merchants to attend today's meeting" and by inserting the statement "Street Artist Bill Clark stated that he was disappointed that the Program Director did not notify the merchants about the hearing on the item because he had asked that the item be put on the agenda without requesting a motion in order for the merchants to express their opinions and the committee to hear the item without the pressure of having to take an immediate vote." The motion was seconded by Commissioner Lloyd and unanimously approved.

2. Hearing and possible motion to approve issuance, renewal, suspension, or revocation of certificate

Manuel Loli – Certificate #6040. Alleged violations: (1) Selling items not of the artist's own creation; (2) Selling items not certified by Arts Commission. (Hearing continued from October 11, 2006 meeting.)

Street Artist Program Director Lazar reported that on November 2, 2006, the Advisory Committee of Street Artists and Craftsmen Examiners, at the request of the Street Artists Committee, conducted a studio visit with Manuel Loli to verify whether he created all of the items for which he had been cited in violation. In addition, the Street Artists Program had provided an interpreter for Mr. Loli during the entire studio visit. However, the Advisory Committee had not yet published its findings, and none of the Advisory Committee's members were able to be present for questioning at this, the November 8, 2006 hearing.

Commissioner Lloyd moved that the hearing with Mr. Loli be continued to the following month; the motion was seconded by Commissioner Johnston and unanimously approved.

Under public comment, Street Artist Michael Addario commented on the costs for the Program of having to provide an interpreter for Manuel Loli at his studio visit and each of his hearings.

Street Artist Edward Steneck stated that he vehemently objected to the Program's having to provide an interpreter and that, in his opinion, Mr. Loli, with whom he had

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spoken for years, did not require one. Mr. Steneck called it a "sham" costing the other artists in the Program a good deal of money. He wanted to see a procedure established for the Program Director to require a test to verify the need for an interpreter for any artist requesting one.

3. Hearing and possible motion to approve proposal for Arts Commission to require chairperson of street artist Lottery Committee to attend all Street Artists Committee meetings. (Proposal submitted by street artists.)

Program Director Lazar stated that, after speaking with the submitters of the proposal, Street Artists Bill and Bob Clark, it was his understanding that the proposal was for the Arts Commission not to require but to *request* the chairperson of the Lottery Committee to attend the Street Artists Committee meetings.

Street Artist Bill Clark stated that the Program Director's understanding was correct. The purpose would be for the Lottery Committee chairperson to be able to inform the artists of business discussed and/or acted on by the Street Artists Committee. He further stated that if the chairperson were unable to attend, another Lottery Committee member could be requested to attend; if no member were available, then a non-Lottery Committee street artist could be asked to attend.

Street Artist Susan Pete stated that the proposal should be approved as a requirement; otherwise, Lottery Committee people would not be motivated to attend. She further commented that artists looked to Lottery Committee members for current Program information.

Street Artist Michael Addario stated that he started a Google group, now comprised of eighty street artists, for the sharing of Program information. The problem was that some street artists did not have computers, while others did not speak English, and therefore did not receive current information. Their only "lifeline" to such information, he said, was through the Lottery Committee members. He felt that the proposal from the Clarks, therefore, was a good idea.

Commissioner Lloyd stated that he favored changing the word "require" to "request" and leaving an option for the future strengthening of the proposal if necessary.

Commissioner Cuellar stated that he favored notifying all Lottery Committee members of Street Artists Committee meetings, as well as furnishing them with minutes of the meetings.

Program Director Lazar responded that, for years, he had sent Street Artists Committee agendas and other notices to Lottery Committee members for dissemination, but the Lottery Committee members stopped sharing the information with the other artists. Perhaps that was why the Clarks were urging the Commissioners to request Lottery members to attend.

Commissioner Lloyd stated that it would be a good step for the Program for the chairperson to attend, and that he wanted to meet with the chairperson.

Commissioner Johnston stated that he favored the word "request" over "require", as he did not feel it would be appropriate for the Street Artists Committee to support the item as a requirement.

Street Artist Edward Steneck commented that most street artists are interested in what happens at the Street Artists Committee meetings, but they are not interested in spending the time and parking costs to attend. Many of the artists know that he, Mr. Steneck, attends regularly, and they approach him the next day for the information.

Mr. Clark stated that one reason he did not want to see the proposal as a requirement was because it would discourage some artists from being a Lottery Committee chairperson.

Street Artist Bob Clark stated that his brother and he were also suggesting that if a Lottery Committee chairperson or other member would not be able to attend, another member should be asked to take their place; in this way, the responsibility could be shared among the group of members. Furthermore, there would be no overtones of politics with the members' simply reporting Street Artists Committee information to the rest of the artists.

Commissioner Johnston moved to replace the word "require" with the word "request" and to approve the proposal for the Arts Commission to request the chairperson of the street artist Lottery Committee to attend all Street Artists Committee meetings; the motion was seconded by Commissioner Cuellar and unanimously approved.

4. **Hearing and possible motion to approve proposal to amend street artist lottery procedure to allow any street artist who misses a main lottery to be given a last number at the following day's sign-in of the same lottery period. (Proposal submitted by street artists.)**

Street Artist Bill Clark explained the current lottery procedure with respect to an artist receiving a "last number" after all other numbers are drawn. As long as the lottery sign-in process is occurring, anyone showing up late may be given a last number. He wanted to see that an artist with a last number would be able to use it on either the second or third day of a lottery period. This would be instead of the artist having to compete in a main lottery with other artists who had obtained their numbers the previous day and used their numbers to obtain spaces the previous day. Mr. Clark responded to questions from the Commissioners.

Program Director Lazar clarified lottery procedures with respect to artists of a main lottery retaining their ranking numbers for use in obtaining spaces on the following day.

Street Artist Michael Addario commented that this change in the lottery procedure would make the procedure more complicated. He opposed the proposal because the lottery no longer requires a street artist to be present in order to obtain a number; an artist is able to call another artist to put his name into the lottery and thereby obtain a number for him.

Street Artist Bob Clark stated that the whole concept of the proposal is to make it as easy as possible for the artists to obtain the best numbers. That was why, after twenty years of lottery procedure, his brother and he proposed an amendment, which was approved by the Arts Commission, to allow an artist to put another artist's name into the lottery. But what about the artist who does not know anyone who could put his name in or is unable to reach anyone? All that was now being proposed, he said, was to extend the benefit of receiving a last number to the next day of a lottery period in order to make it more equitable for everyone.

Street Artist Susan Pete expressed agreement with Mr. Addario and urged the Commissioners to communicate the proposal and its issues before adopting it.

Further, more detailed, discussion ensued with the Clarks responding to questions by the Commissioners.

Commissioner Johnston acknowledged the concerns of Ms. Pete and Mr. Addario but expressed that he was moved by the argument that situations could arise from artists relying on other artists to put their names into a lottery. He felt that it was reasonable to try implementing the proposal; if it does not work out, the Street Artists Committee could consider rescinding it.

Commissioner Lloyd commented that the one compelling argument was that there were artists who do not have friends or others who could enter their names into the lottery. It would only be fair to allow them a better opportunity to obtain a space on the following day. If it were found that the measure disrupts the lottery, he would be ready to review it with the possibility of rescinding it.

Commissioner Cuellar moved to adopt the proposal to amend the street artist lottery procedure to allow any street artist who misses a main lottery to be given a last number at the following day's sign-in of the same lottery period; the motion was seconded by Commissioner Johnston and unanimously approved.

5. **New Business**

Street Artist Edward Steneck reiterated his earlier comment that the Program Director should establish a test to determine whether it would be necessary for the Program to hire an interpreter for a street artist's violation hearing.

Program Director Lazar objected to this on the grounds that it would be prejudicial for him, as well as a conflict of interest, if he were to be the one to determine whether an artist he is prosecuting can understand or not understand English.

Commissioner Johnston commented that the cost to the Program of providing an interpreter would be insignificant compared with the costs incurred in a lawsuit filed against the Commission.

Mr. Steneck protested that if the Program had to provide such a service continuously, the costs would escalate and so would the artist's license fees.

Mr. Lazar reported that Street Artists Bill Clark and Bob Clark had informed him that they had heard on the news of the existence of a governmental agency that would

provide interpreters without charge to persons who could not speak English. Mr. Lazar wanted to pursue this. The Commissioners asked him to look into it.

Street Artist Bob Clark stated that, if it is found that the Commission is responsible for providing interpreters, a system has already been established whereby the Commission can recover such costs. When the Commission finds an artist in violation, it can transmit this information to the District Attorney, who can then file criminal charges. If the artist is fined, the collected fine can revert to the Street Artists Program. He urged the Commissioners to send their findings of violation hearings to the District Attorney.

There being no further business, Commissioner Lloyd adjourned the meeting at 3:55 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

January 3, 2007



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San Francisco Arts Commission

December 13, 2006 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, December 13, 2006

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, December 13, 2006 has been cancelled.

December 5, 2006

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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San Francisco Arts Commission

January 10, 2007 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, January 10, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, January 10, 2007 has been cancelled.

January 3, 2007

Notices

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San Francisco Arts Commission

February 14, 2007

STREET ARTISTS COMMITTEE

Wednesday, February 14, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Presentation of Street Artists Program budget for Fiscal Year 2007-08.
2. Hearing on Arts Commission procedures, adopted June 7, 1993, for waiving the street artist certificate fee for any honorably discharged veteran who is physically unable to obtain a livelihood by manual labor. *(hearing requested by street artists)*
3. Hearing and possible motion to approve a letter by the Arts Commission to the Port Commission requesting legal enforcement against all unlicensed street vendors on Port property. *(hearing requested by street artists)*
4. Street Artists Program Director's Report
5. New Business
6. Adjournment

February 2, 2007

Notices

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San Francisco Arts Commission

February 14, 2007

STREET ARTISTS COMMITTEE

Wednesday, February 14, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes (as amended by March 14, 2007 meeting)

Members present: Commissioners Alexander Lloyd, Jose Cuellar, P. J. Johnston

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program
Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:15 p.m.

1. Presentation of Street Artists Program budget for Fiscal Year 2007-08

Street Artists Program Director Howard Lazar presented the Street Artists Program budget for fiscal year 2007-08. He discussed the history of the current street artist certificate fee. In October, 2003, the Board of Supervisors, at the request of the Arts Commission, passed Ordinance 240-03 which raised the artists' fee in three increments to the present annual fee of \$419.20. The fee amount has remained for two years: 2005-06 and 2006-07. With the anticipated fee revenue and usage of the Program's accumulated fee savings from prior years, the Program Director proposed that the fee remain for a third year.

Mr. Lazar described the Program's expenses. He reported on the actual fee revenue and expenses of 2005-06 and the projected revenue, expenses, and usage of the savings to offset the deficits for 2006-07 and 2007-08. The revenue was based on 390-400 artists. By the end of 2007-08, the savings was projected to be depleted. The expenses of 2008-09 would necessitate a new fee.

Through the Chair, the Program Director responded to questions by Street Artist Bob Clark. Mr. Lazar stated that the 390-400 street artists figure included the present thirteen honorably discharged disabled veterans whose fees are waived; and he had not yet calculated a new fee for 2008-09.

Street Artist Mike Addario stated that he surmised that the new fee for 2008-09 would be increased by approximately fifty dollars.

Mr. Clark stated that a more accurate figure would reflect the number of artists minus the thirteen non-paying veterans.

2. Street Artists Program Director's report

Mike Hanley magazine cover. Program Director Lazar introduced Street Artist Mike Hanley and submitted a copy of the January edition of *greenkind magazine* whose cover showed a photo blowup of one of Mr. Hanley's cut-coin pendants. The next edition will feature a story on Mr. Hanley. The Commissioners congratulated him.

Union Square Business Improvement District enforcement assistance. Program Director Lazar praised the efforts of the Union Square Business Improvement District ("BID"), headed by Leigh Ann Baughman, whose ambassadors (among their varied duties) assist Mr. Lazar by monitoring street

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artists and sending him e-mail photos daily of alleged violators. This permits the Program Director to issue written warnings or take stronger steps against the violators. Thanks to the BID's monitoring, the Program Director observed general street artist compliance with the rules on Market Street—even during the critical winter holiday selling season.

Program Director enforcement activities. Since July, 2006, the Program Director issued four written warnings resulting from BID monitoring; twelve warnings resulting from monitoring by the Program's Advisory Committee of Street Artists and Craftsmen Examiners and from complaints by various artists; and six notices of intent to not renew artists' certificates. In addition, Mr. Lazar, as hearing officer, conducted four hearings with artists of alleged repetitive violations.

Acknowledging the beneficial assistance of the BID, Commissioner Lloyd asked that the Program consider eliciting the help of local business organizations in enforcement of the other street artist districts. This would be a low-cost measure to protect the artists who follow the rules.

Request by Manuel Loli for renewal of certificate. Mr. Lazar reported that Manuel Loli, who faces a final hearing next month on alleged violations, came to the Program office and requested that his certificate be renewed. Mr. Lazar refused, in keeping with the Commission's procedure to deny renewal of an alleged violator's certificate pending outcome of hearing. He invited Mr. Loli to attend today's meeting in order to request the Commissioners to order a renewal of his certificate. Unless the Commissioners were to direct a renewal, the refusal would be maintained until the outcome of Mr. Loli's hearing.

Mr. Loli was not present.

Commissioner Johnston noted that Mr. Loli had asked the Program Committee to postpone his hearing of last December because it conflicted with his selling in a fair. The Commissioner stated that he was not persuaded to renew the certificate at this time.

Commissioners Cuellar and Lloyd concurred and stated that the Program Director had acted appropriately.

3. **Hearing on Arts Commission procedures, adopted June 7, 1993, for waiving the street artist certificate fee for any honorably discharged veteran who is physically unable to obtain a livelihood by manual labor (*hearing requested by street artists*)**

Program Director Lazar explained that, during the years 1988-1993, the Program received an opinion and subsequent clarification from the City Attorney's office that (a) honorably discharged veterans who are unable to earn a living by manual labor are exempt from paying the street artist certificate fee; (b) such veterans are not exempt from following the street artist regulations; and (c) such veterans, while unable to earn a living by manual labor, could still qualify as street artists making handcrafted items. Thereupon the Arts Commission, on June 7, 1993, approved procedures, drafted by the City Attorney, for waiving the fee for such veterans in keeping with California Business and Professions Code Sections 16001 and 16001.5. At present, there are thirteen individuals in the Program whose fees have been waived.

In preparation of today's hearing, the Program Director had forwarded to the Commissioners most of the e-mail arguments he had received from various street artists for and against the procedures.

In response to questions from the Commissioners, Mr. Lazar stated that the Program had not received additional information on the matter from the City Attorney since the time the Commission adopted the procedures.

The Commissioners listened to a full and lengthy presentation of arguments and documents by Street Artist Bill Clark who objected to the procedures. Citing references to the California Business Code, various City Attorney opinions from 1976 through 1988, Merriam Webster's 1996 *Dictionary of Law*, and a 1976 letter by former Arts Commission Director Martin Snipper, Mr. Clark objected on the following grounds: (a) state law provides an exemption only from a

license or permit and therefore does not apply to the Arts Commission which issues a certificate, not a license or permit; (b) if a person does qualify for a fee exemption, it is the Board of Supervisors—not the Arts Commission—which should grant the exemption; and (c) the Arts Commission certifies handmade items which require manual labor for their production; therefore, a person who passes such certification proves that he *can* obtain a livelihood through manual labor, which thereby proves that he is not eligible for a fee waiver. Mr. Clark asked that the Commission request a written response from the City Attorney on his three points.

To questions by Commissioner Lloyd, Mr. Clark stated that he did not feel he should have to pay a higher fee if the law was not being interpreted properly.

To questions by Commissioner Cuellar, Mr. Clark stated that he had studied law, had written the original street artist ballot measure, and had helped establish a program for people to earn a livelihood by making handmade products by manual labor.

In response to a question by Commissioner Lloyd, Program Director Lazar stated that it was his understanding that the City Attorney had previously responded to the issue of "manual labor" but had not addressed the issues, now raised by Mr. Clark, of a "legislative body" waiving the fee and the distinction between a "permit" and a "certificate" in the context of the veteran fee waiver procedures.

Commissioner Lloyd called for further public comment.

Street Artist Mike Hanley discussed California's passage of a business and professions ethic code in 1954 which, he said, sought to help veterans whose injuries did not appear until years after service. Such veterans became unemployable because their workers' compensation claim files with the State were being accessed by potential employers who then decided to not employ them. Many of Mr. Hanley's own injuries did not present themselves until years after he had returned home. He became unemployable until he entered the Street Artists Program as a coin-jewelry cutter. Because term "manual labor" in state law referred to the type of labor which an honorably discharged veteran was doing prior to no longer being physically able to do it, his street artist fee was waived; state law, therefore, protected veterans who were injured in combat. Thanks to the Street Artists Program, he said, his wife and he were able to buy a home.

Commissioner Lloyd thanked Mr. Hanley for his service and his comments.

Street Artist Bob Clark stated that his brother and he were referring to the state's Business Code Section 16001.5 on which the City Attorney made rulings and which contained reference to "manual labor." Bob Clark stated further that the particular law on which the City Attorney made his rulings does not define "manual labor," as Mike Hanley says, as labor that a person was doing preceding their injury. It only says "manual labor", period. Mr. Clark invited Mr. Hanley to submit the law to scrutiny, since the law that the City Attorney was clarifying does not include Mr. Hanley's definition of "manual labor". Secondly, he said that while the issue should be at the Board of Supervisors, the Board had designated the Arts Commission to hear street artist issues first before being addressed at the Board. This was why the Clarks brought the matter to the Commission.

Street Artist John Thomey reiterated Mr. Hanley's reference to state law's definition of "manual labor."

Closing public comment, Commissioner Lloyd stated that, since the City Attorney had already advised on the matter, given the spirit of the law which the Commissioner felt was clear, and given the present situation of many veterans returning with devastating injuries, the Commission should continue granting waivers of fee for disabled veterans. The recourse for the Clarks would be to submit the issue to the Board of Supervisors.

Commissioner Johnston stated that he did not intend to request a new City Attorney opinion, and that he found the arguments presented by the Clarks offensive to veterans, particularly to disabled veterans.

Commissioner Lloyd thanked the Clarks for their input and asked that the Committee hear the next agenda item.

4. Hearing and possible motion to approve a letter by the Arts Commission to the Port Commission requesting legal enforcement against all unlicensed street vendors on Port property (*hearing requested by street artists*)

Program Director Lazar stated that this item was brought to the Committee at last September's meeting by Street Artist Mike Addario. Mr. Lazar reviewed the locations of the street artist spaces on Jefferson Street and submitted photos taken by Mr. Addario of the daily activities of nearby unlicensed vendors. The photos showed oversized illegal displays—three to five times as large as the regulated street artist displays—interfering with pedestrian right-of-way.

Mr. Lazar also submitted copies of a letter by Street Artist Kathleen Hallinan with whom he had worked several years ago in requesting the Port's approval of street artist spaces which would replace the unlicensed vendors with artists abiding by rules of safety and conduct. Port personnel, however, had sided with the Fisherman's Wharf Merchants Association which had refused to tolerate the presence of street artists across from the shops. As a result, Port personnel had refused to calendar a hearing on the proposal.

Mr. Lazar, echoing Ms. Hallinan's letter, described how the aerosol fumes of unlicensed spray paint vendors on Jefferson Street had caused headaches in street artists in nearby legal spaces, and how the Public Health Department, when notified by Mr. Lazar, had determined that the distance of the spray paint vendors mitigated any air-quality problems for the street artists. Nevertheless, Mr. Lazar had repeatedly urged Port personnel to enforce the law against the unlicensed vendors.

Commissioner Lloyd stated that the integrity of the Street Artists Program involved making sure that people who are not licensed are not allowed to sell on the streets.

Street Artist Michael Addario gave a presentation of maps of both the legal street artist locations and the locations of the unlicensed vendors on Port property. He presented photo enlargements of many unlicensed vendors. He submitted a June 6, 2006 memo by the Port regarding the adoption of an encroachment policy. He also submitted a June 28, 2006 letter to him from Miriam Saez of the Port's real estate division regarding the policy. Mr. Addario felt that the Port in its view combined the street artists with the unlicensed vendors and wanted the artists to control the situation. If that were to be the case, Mr. Addario was requesting the Arts Commission to send a letter accepting such responsibility only if the Port granted spaces for street artists in the areas currently occupied by the unlicensed vendors.

Commissioner Johnston maintained that the Arts Commission staff were not police officers, and that policing issues of Port property have been a problem for a long time. He felt that the Arts Commission should attempt to convince the Port that it would be wise to move street artists into the areas occupied by the unlicensed vendors; the presence of licensed street artists would be more of an effective deterrent than police officers on call. The Commissioner called for an appeal to the Port in the form of a letter or resolution.

Director of Cultural Affairs Richard Newirth advised Mr. Lazar to speak with the Department of Environment about the spray paint vendors. He himself volunteered to telephone his colleagues in other cities to ascertain how they manage such problems.

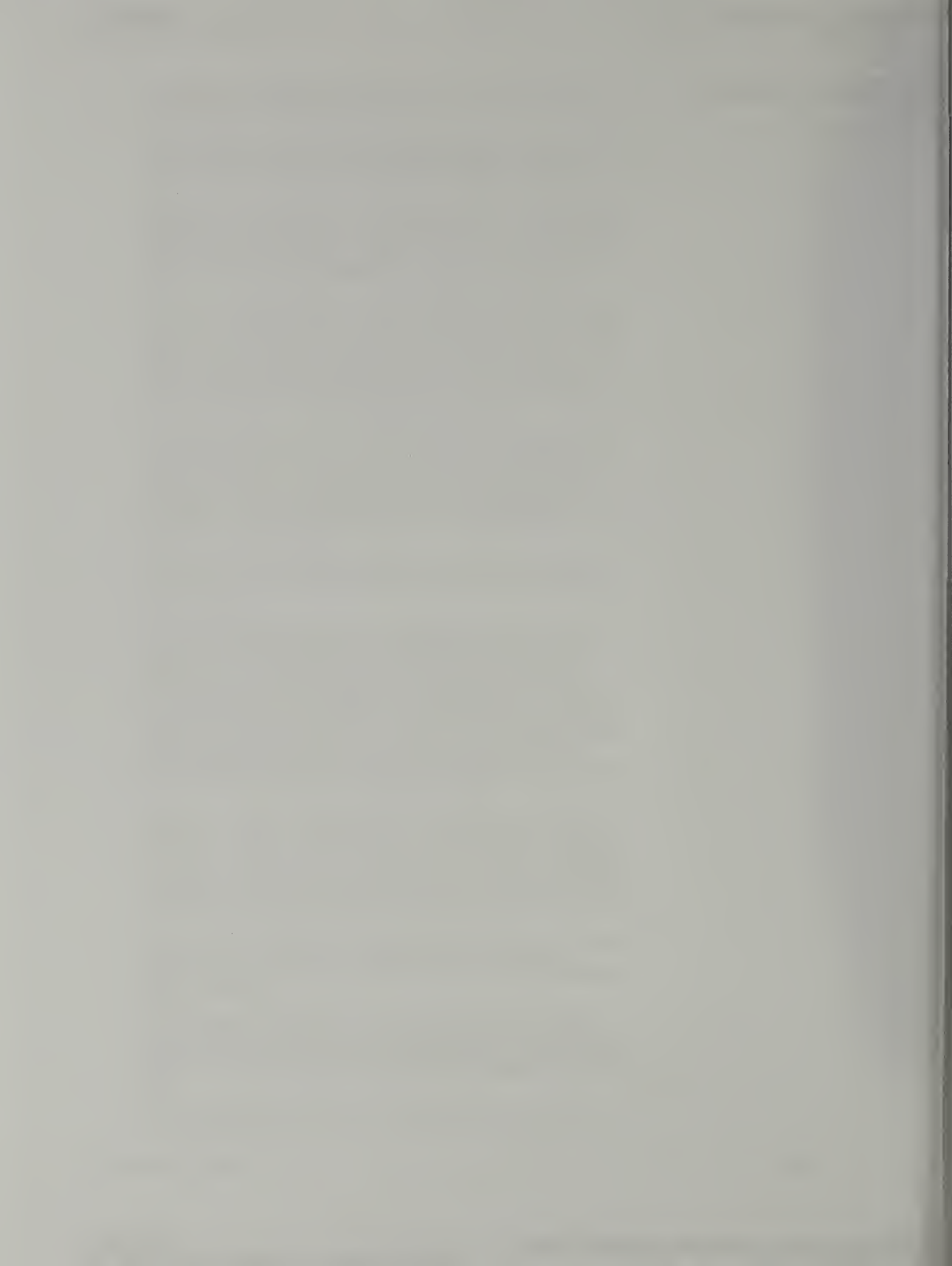
The Commissioners recommended that the Committee support the Program Director's work by submitting a resolution to the full Commission calling the Port's attention to the health and safety issues generated by the spray painters and other unlicensed vendors and requesting the Port to designate street artist spaces.

There being no further public comment, Commissioner Lloyd adjourned the meeting at 4:30 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

June 18, 2007





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San Francisco Arts Commission

March 14, 2007

STREET ARTISTS COMMITTEE

Wednesday, March 14, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance, renewal, suspension, or revocation of certificate

Manuel Loli - Certificate # 6040. Alleged violations: (1) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, pipes, purses); (2) Selling items not certified by Arts Commission. *(hearing continued from October 11, 2006 meeting)*

(In its hearing on October 11, 2006, the Street Artists Committee moved that Mr. Loli's certificate be renewed and be subject to findings from a further hearing of (a) the charge against Mr. Loli of selling items not of his own creation and (b) the charge of selling items not certified by the Arts Commission; and that such findings be issued after consideration of findings, relative to the above two charges, to be submitted by the Advisory Committee of Street Artists and Craftsmen Examiners after conducting a studio visit with Mr. Loli. The studio visit was conducted on November 2, 2006; the Advisory Committee's findings will be considered by the Street Artists Committee relative to Item 1 of this agenda.)

2. Street Artists Program Director's Report
3. New Business
4. Adjournment

March 7, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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San Francisco Arts Commission

March 14, 2007

STREET ARTISTS COMMITTEE Wednesday, March 14, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Alexander Lloyd, Jose Cuellar, P. J. Johnston

Members absent: none

Staff present: Director of Cultural Affairs Richard Newirth, Street Artists Program Director Howard Lazar

At the request of Commissioner Lloyd, Commissioner Johnston chaired and called the meeting to order at 3:07 p.m.

1. Street Artists Program Director's Report

Expression of gratitude for Director of Cultural Affairs Richard Newirth. Street Artists Program Director Howard Lazar thanked Director of Cultural Affairs Richard Newirth for "working with me and standing behind me on street artist issues for eleven years; and I have to say this: of all the Directors I've worked under at the Arts Commission, he is the only Director who has come to these [Street Artists Committee] meetings with me, and in eleven years, to my memory, he has only missed three of them - a couple of times when he was at home ill and one time when he was out of town. I've really enjoyed that luxury of having him here to help me with sometimes enormous issues. Thanks, Rich."

Commissioner Johnston informed the audience that Mr. Newirth had announced that he was resigning, but that he would remain in office until the end of the month whereupon the Commission would give him a big sendoff at the full Commission meeting in April. The Commissioner invited everyone to attend. He further expressed his appreciation, as a Commissioner on the Street Artists Committee for four years, of Mr. Newirth's guidance and participation in discussions of the issues.

Introduction of Police officer. Mr. Lazar introduced Officer Noel De Leon, San Francisco Police Department, who took over the Fisherman's Wharf beat and had become familiar with the licensed street artists as well as the illegal activities of unlicensed vendors in the area. Mr. Lazar had asked the officer to attend today's meeting to further his understanding of Arts Commission procedures in street artist certification and violation hearings.

Letter to Port Commission. Following the Arts Commission's March 5, 2007 resolution, Director of Cultural Affairs Newirth wrote to Port Commission Director Monique Moyer requesting the Port to replace the unchecked activities of unlicensed vendors by well-regulated, licensed street artists in designated spaces on Port property, and requesting her staff to meet with Program Director Lazar.

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Request for amendment to February 14, 2007 minutes. Mr. Lazar submitted a letter from street artists Bill and Bob Clark requesting an amendment of additional language to the minutes of the Committee's meeting of February 14, 2007.

Commissioner Cuellar moved that page 4 of the February 14, 2007 minutes of the Street Artists Committee meeting be amended by inserting the following wording (bold print) between the words "... reference to 'manual labor' " and "Secondly, he said ...": **"Bob Clark stated further that the particular law on which the City Attorney made his rulings does not define "manual labor," as Mike Hanley says, as labor that a person was doing preceding their injury. It only says 'manual labor,' period. Mr. Clark invited Mr. Hanley to submit the law to scrutiny, since the law that the City Attorney was clarifying does not include Mr. Hanley's definition of 'manual labor.'"** The motion was seconded by Commissioner Lloyd and unanimously approved.

2. Hearing and possible motion to approve issuance, renewal, suspension, or revocation of certificate

Manuel Loli - Certificate # 6040. Alleged violations: (1) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, pipes, purses); (2) Selling items not certified by Arts Commission. *(hearing continued from October 11, 2006 meeting)*

(For the hearing, the Street Artists Program again retained the service of a Spanish-to-English interpreter, Ms. Lesley Walker of Auerbach International, who simultaneously interpreted the proceedings for Mr. Loli and interpreted his statements for the Commissioners.)

Commissioner Johnston stated that the Committee had spent a great deal of time in hearing the case last October, which involved a presentation of facts submitted by staff and a rebuttal by Mr. Loli and his representative. The Committee had decided to continue the hearing to allow for the submittal of further testimony. Due to scheduling reasons on both sides, the matter was continued to March.

Program Director Howard Lazar outlined the history of the case from initial issuance of warning to Mr. Loli and up to the present hearing. The outline highlighted the Street Artists Committee's action on October 11, 2006: so that Mr. Loli would be allowed to sell during the winter holiday season, the Commissioners waived the Commission's procedure and authorized the renewal of Loli's certificate *"subject to findings from a further hearing of (a) the charge against Mr. Loli of selling items not of his own creation and (b) the charge of selling items not certified by the Arts Commission; and that such findings be issued after consideration of findings, relative to the above two charges, to be submitted by the Advisory Committee of Street Artists and Craftsmen Examiners after conducting a studio visit with Mr. Loli."*

With regard to the studio visit made by all four members of the Advisory Committee on November 2, 2006, the Advisory Committee, in its report with accompanying photos, determined that (a) Mr. Loli could not prove that he made sixteen different crafts that he had been observed selling; and the Committee determined that (b) he could prove that he made only three crafts that he had been observed selling but had failed to submit previously for examination and certification. Therefore, the Advisory Committee's findings supported both charges of (a) and (b) as stated by the Street Artists Committee at the October 11, 2006 hearing.

Mr. Lazar further reviewed that the Commissioners had supported his refusal to renew Mr. Loli's certificate when it came up for renewal in February, 2007, pending the outcome of his hearing. Nevertheless, Mr. Loli subsequently was observed by the Program Director on March 2, 2007, selling while his certificate was expired. Mr. Lazar also reported that he had been notified by a street artist that Mr. Loli had sold on February 26, 2007; and still another artist had written that Mr. Loli had been observed selling on a regular basis on the weekends in street artist spaces outside The Cannery.

The Commissioners reviewed the report and photos of the Advisory Committee's studio visit. At the request of Commissioner Johnston, Advisory Committee

members Susan Tibbon and Josie Grant stated their observations and findings of their studio visit with Mr. Loli.

Ms. Tibbon stated that they had observed a well-used workshop containing a variety of arts and crafts materials and a variety of tools; a number of finished items that looked like they might be ready to be sold, as well as some items in progress (half-finished or three-quarters finished). However, in terms of the amount of stock of each item, "there was almost no stock at all." She went on to say that Mr. Loli had told them that his stock was in Oakland, awaiting sale in a show. Nevertheless, in terms of the main items that Mr. Loli had been observed selling, the Advisory Committee tried to ascertain whether all the raw materials for the items were present in his studio, but almost all raw materials were not present for the majority of his items.

Ms. Grant stated that Mr. Loli's workshop was very small, and that the great facility he showed was in his craft of Fimo (polymer clay) sculptures on pipes; although some of the pipes he showed that he was making were not the pipes he had been observed selling. With regard to the detailed, handpainted flutes that he had been observed selling, he was able to show the Committee some handpainted flutes and their materials, "but they really were not the same flutes. He had a variety of flutes that he sold and there were a few that did match, but the ones that were really detailed ... were much more of something that I would have expected to find in Ecuador or as imported items, and he did not show us that kind of detailing." While he did produce many of his own pieces, Ms. Grant stated, the Advisory Committee members agreed to allow him to sell the pieces he made, "but he was" observed "selling pieces, even to his own admission," for which he had not previously received certification.

Commissioner Johnston asked Ms. Tibbon and Ms. Grant whether it was the assessment of the Advisory Committee that the studio visit reflected the fact that Mr. Loli had been selling items that were not of his own creation. Ms. Tibbon and Ms. Grant responded in the affirmative.

Commissioner Johnston asked whether there were items that had not been certified but were of his own creation. Ms. Tibbon and Ms. Grant responded in the affirmative.

Commissioner Johnston requested Mr. Loli to respond to the two violations for which he was charged and to respond to the information received at today's hearing.

Through the interpreter, Mr. Loli stated that he could summarize the issues in two questions. "The first is that in these hearings there's been a lack of communication ... When we met for the first time, my letters were not mentioned at all, the letters that had been written" about a person who was against him.

At Mr. Loli's request, the interpreter read from a written statement he had prepared: "Also, no mention was made and no decision was made about the threats and harsh statements made to me by the woman" who was his "competition. ... Mention was made ... about the statements that were made against me. However, mention was made about the two letters that were brought up. On the other hand, the complaints that the previously mentioned people made against me were believed, and their side was taken, and this was harmful to my moral integrity, and it harmed my artistic ability and intellectual ability. In this very room, the two women that had gone to my workshop accused me of not making my art, and they didn't believe that I made my art. So they took the side of my competition. They said, 'He doesn't make anything that he sells.' Without having investigated, they had already taken this position against me. So my question is: Isn't that a coincidence between the people who claim to be my competition and these two women? The answer is simple. These women have feelings and interests that are in conflict. They are friendly with my competition ... Those feelings and interests that are a conflict are a reason to eliminate me as competition and as an artist. This is called discrimination and favoritism."

Mr. Loli's statement went on to say that the Commissioners held "a preconceived notion at [the previous] meeting; inside, they thought what my competition thought, that the allegation of me not making my work was true, without having any proof ... [S]ome members of this committee, acting in a discriminatory way,

have taken the side of my competition. ... This is called discrimination, and it goes against ... the human right to work. With regard to the rule of the Art Commission, despite the discriminatory action and position, I accepted that [the Advisory Committee] do an inspection of my workshop. I welcomed them respectfully and in a friendly manner. ... If you look at the website of the Commission, you will see my name there discredited. Why wasn't I given the same opportunity to defend myself? This is discrimination. Another remarkable example of discrimination on the part of some members of the Commission can be seen in the arbitrary decision to not allow me to work during more than one month. That is, before arriving to this meeting, where legally you were to decide about my situation, some Commissioners had already taken away my license, had refused to renew it ... and prohibited me from working and arrogantly ignored my question. ... Discrimination, violation of the right to work, this is enough discrimination."

Mr. Loli's statement invited the Commissioners to prove "step by step" the findings made by the Advisory Committee in what he called "their partial and subjective report basically discriminatory."

Mr. Loli submitted a document to the Commissioners, while the interpreter read: "The Commissioners have in their hand a report drawn up by an artist who was present at the time" of the studio visit. At this point, Mr. Loli spoke: "I had to pay to have the report written by the person in my studio that day ... when the Commission members were inspecting my studio; and I consider that to be a faithful reflection of what happened." The two reports, he said, were in conflict: "one, subjective and partial drawn out by the inspectors ... and another report that is objective and impartial written up by an artist. ...[W]hat stands out is negativity" (in the Advisory Committee report); "there is a reflection of the subjectivity and the personal problems that they have against me. Sixteen things are made out that I supposedly do not make."

Commissioner Johnston asked for the name of the person who wrote the other report. Mr. Loli replied that it was Jose Loli, an artist, who was at present in Washington working at festivals.

In answer to a question by Commissioner Lloyd, Mr. Loli responded that Jose Loli was his brother.

Program Director Lazar stated that Jose Loli had been a licensee of the Street Artists Program.

The interpreter continued to read: "On the other hand, the objective and impartial report shows that I have demonstrated that I make my products," including products that were later screened and approved. "In summary, I'm being told that I was never approved for the products that I make and sell ... With a report and a summary like that with ... intentions that are very manipulative ... the dark motives that some members of the Commission are harboring, I wouldn't want to think that we are wasting time when you might already have a decision ..."

He said that the complaint against him "began with a petition from my competition as represented by the two women inspectors ... The day on which my competition made a complaint against me, I had three hundred twenty sculptures and thirty-one decorated [pieces] at my stand ... I showed that all of these products were manufactured, made by me. Eight percent of my production is necklaces and bracelets ... also demonstrated that I made them. Two percent of my production are jewelry pieces ... ceramic, bamboo, rock and bone ... I believe that I showed how I made them, but the inspectors say the opposite. ... Even if we suppose that they are correct, only two percent of my craft is being questioned. This would be a reason to take exemplary measures against me? I spent one month preparing sculptures, decorations, jewelry, and leather bags, in that order, to show the inspectors the work that I do. I left work in different festivals for that month, and I did so because I respect the rules and the Commission and comply with them. But they say I don't make my work and that what I do make I never received a license for." He said that the Advisory Committee showed him "a tremendous lack of respect personally ..."

Commissioner Johnston stated that he had heard enough of the motives and urged Mr. Loli to "get to the bottom line."

Mr. Loli, through the interpreter, stated: "With all due respect, I ask that you take five minutes to understand my position."

Commissioner Johnston stated that Mr. Loli had restated his position many times, that he should wrap up his argument.

Mr. Loli went on to state: "... [T]hat's how we immigrants are seen. If I didn't make my art, gentlemen, I would never have allowed the inspectors to come into my workshop. It's that simple. I'm surprised that the inspectors pulled cards from their sleeves; for example, they never showed me photographs about an arrowhead or a little decorated piece. ... The hairclips, they were never a part of the specific complaint, and I was never asked to make one at my workshop. This is an unfair point in the report. ... The wooden pipes, they didn't want me to show them, saying there was a lack of time ... They say that I didn't show how I made my bamboo pipes; I want to say that at my studio I was never asked to make my bamboo pipes ... and I showed them other products like ... painting and decorations on glass bottles.... They say that I don't make my totem... I have the proof here that I make it. ... I do not agree with their investigation method or with their dark objectives. I ask them to respect the rules and due process. In conclusion, the group's report about my workshop ... is subjective and partial and discriminatory ... speaking to favor personal interest, for example, my competition, and in order to justify their position, they shamelessly resort to frustrating trickery such as manipulation, lies, etc. They don't worry about the fact that they're ignoring ethical values and concepts, moral and artistic values and concepts, but, even more curious, their conscience doesn't bother them when they are depriving me of my right to work ... harming my family and throwing by the wayside their own rules that they say they respect. Those who have drawn up this subjective and partial report aimed to politically and socially harm the community of Asian immigrant artists, Latin immigrant artists, making us look ignorant and painting us as illegal ... That is racism and discrimination in its worst form."

Mr. Loli submitted a letter from a person named Roxane Perez, a graduate student at Simmons College, in his support.

Commissioner Johnston reiterated his two questions to Mr. Loli.

Mr. Loli responded that "When I talk about my art, three issues: I'm talking about the sculptures that I make, articles that I decorate, and certain jewelry that I make."

Commissioner Johnston asked him if he sold under the auspices of the Street Artists Program artwork that was not his own by the well-established standards of the Commission.

Mr. Loli responded: "I have never sold products in this Program ... that were not made or finished by me.... A small ceramic box and a small box [were] the only concrete things" of the complaint "that could [infer] that I sell things I don't make." He told the Advisory Committee that he did not make the boxes, nor did he sell them; they were a gift to him, but the Advisory Committee kept telling him that he sold the boxes and didn't make them.

Commissioner Johnston asked him if he ever displayed or sold items that were of his own creation but were not certified.

Mr. Loli responded that he has been in the Program for four years and has developed his art, producing more than five hundred designs. He has a license for using the clay and resin that he uses to make his pipes, and he makes exotic sculptures.

Commissioner Johnston asked him if he had been selling on the street with an expired certificate.

Mr. Loli responded: "The only time that I've come out with my art with a document that you didn't want to renew for me because it's illegal to take away my right to work It's true, my good friend Howard is totally right ... that I have gone out to sell, but I've gone out with an attitude of protest."

Commissioner Johnston stated that, in the two hearings, Mr. Loli's ability to respond and his side of the story has been respected. He further stated that at

the February 2007 meeting of the Street Artists Committee, Mr. Loli had the opportunity to challenge the decision to deny renewal of his permit, but he failed to appear. The Commissioner further cited the letters that Mr. Loli had said were written against him and his allegation that the Commissioners had favored his "competition's letters" over his own; to this, the Commissioner stated that the Committee had ruled in his favor and dismissed the complaint (of his alleged battering of another street artist) which had included a police report.

Commissioner Lloyd clarified that the Arts Commission's website reflects the minutes of a meeting, and that Mr. Loli had not been singled out in a critical manner. He further stated that Mr. Loli had the right to request that the minutes be amended, so that his side of the story may be reflected on the website.

Commissioner Cuellar questioned Mr. Loli on whether it was his understanding that he was required to prove, at the November 2, 2007, studio visit, that he could make the sixteen different crafts that he had been observed selling, or whether it was his understanding that it was the Advisory Committee's responsibility to prove that he did not make the crafts.

Mr. Loli responded that his understanding was reflected in the impartial report he submitted to Commissioner Johnston. He understood that he had to show the committee members how he made his art; he had to choose "what stood out in the pictures" taken of his display; and he believed that he had showed them.

Commissioner Cuellar questioned Mr. Loli on his use of the word "competition": he asked him if he meant artistic competition—that is, someone who made items similar to his—or competition in terms of sales—that is, someone who did not make similar items but was in competition for a sales space.

Mr. Loli responded that his art was very unique and different and that there was not one artist in the Program who made similar art, but that a woman who was his competitor in selling pipes was always bothering him.

Commissioner Cuellar clarified that Mr. Loli agreed that he had sold items he had not made, that he sold items that he had not submitted to examination prior to his selling them, and that he sold, albeit in protest or civil disobedience, with an expired permit—all of this after he had been in the Program for four years. He asked Mr. Loli whether he understood, during the four years, that he was not allowed to display or sell products he did not make nor items that he did not get certified. Commissioner Cuellar asked also whether Mr. Loli understood that selling without a permit was also a violation of the Program.

Because Mr. Loli would not answer the question, Commissioner Cuellar rephrased it to inquire as to when Mr. Loli came to the realization that he was required to make everything he displayed and obtain permission from the Arts Commission to display it.

Mr. Loli responded that it was made clear to him when the Advisory Committee came to his studio.

Commissioner Johnston took public comment.

Street Artist Susan Pete stated that she was not the first person to have made the complaint against Mr. Loli; she had represented a group of artists in submitting the complaint to both the Advisory Committee and the Program Director. The group had not believed that Mr. Loli had made his items.

Commissioner Lloyd asked whether the Manuel Loli studio visit had been simple or complicated.

Advisory Committee Member Josie Grant responded that it had been a complicated one because Mr. Loli was a very accomplished artist who proved that he was competent and able to make many items he had on his table. The studio visit took four hours. But the Committee did not have the time to see all the crafts that needed to be seen because much time had been spent on issues involving in so many different items. While he had the ability to do much of the items, he admitted that he had not submitted some of the items for screening in order to obtain certification to sell them. The Committee eventually approved these in a screening a week after the studio visit.

Commissioner Lloyd asked her if there were items she felt Mr. Loli did not make. Ms. Grant responded that they were pipes and boxes. Furthermore, he had shown them much artwork that he could produce but this had not appeared on his display table.

Street Artist Michael Addario stated that Mr. Loli had "a complete disrespect for this Program."

Commissioner Johnston commented that the proceeding was not a hearing on the artistic merits of Mr. Loli's work; most people would probably agree that he was a talented artist who works with many different types of crafts. The size and diversity of his repertoire contributed to the problem.

The Commissioner went on to say that, during the hearing, he reviewed the report made by Mr. Loli's brother, and he found it "in no way objective." Therefore, he felt it had limited value.

The Commissioner then stated that the charges that were formally submitted were submitted not by other artists but by the Program staff, and they focused on some basic issues. One of the issues—allegations about Mr. Loli's behavior—had been dismissed due to a lack of sufficient evidence.

The Commissioner further commented that, for someone who complains that he has been disparaged because of the Commission's minutes on its public website, he himself made many disparaging remarks at today's hearing which will also be reflected in the minutes as posted on the website. The Commissioner was not, therefore, moved by Mr. Loli's argument of having been disparaged.

Continuing, Commissioner Johnston posed a basic question: Has Mr. Loli violated the Street Artists Program after having received previous warnings from staff and after a lengthy, five-month interval between hearings? The Commissioner stated that Mr. Loli's selling of items that were of his own creation but were not pre-screened was a violation of the Program. But it was a violation for which the Commissioner was usually willing to give some flexibility because it could be considered a "lesser" violation. It gained importance, however, if someone continued to violate that tenet of the Program and had been a member of the Program for years and knew that items to be sold needed to be screened. More serious than this, however, was whether Mr. Loli was displaying or selling items not of his own creation. Commissioner Johnston said that this issue was cloudy and probably such items were of a relatively small percentage which normally might have merited a warning were it not for the fact that he had already been warned.

Finally, the Commissioner stated, there was the issue of Mr. Loli selling without a permit because he did not like the fact that staff refused to renew it. But, protest or no protest, Mr. Loli did not challenge the Committee's February 2007 decision on his request to renew. This violation combined with the others gave the Commissioner a full impression that Mr. Loli had contempt for the rules and the accepted procedures of the Program, and that some action needed to be taken.

Referring to Mr. Loli's arguments made at both his hearings, the Commissioner stated that Mr. Loli, "rather than rectifying the allegations made against him, takes us down other paths in other areas and makes political speeches or attacks other people's motivations for why he's in this position; but the bottom-line issues are never addressed."

Commissioner Johnston moved that the Committee deny renewal of Mr. Loli's certificate at this time and, pending the decision of the Chair of the Committee, continue the item to the Committee's June meeting to hear Mr. Loli's request for renewal; the motion was seconded by Commissioner Cuellar and unanimously approved.

Commissioner Cuellar requested that the minutes reflect his personal feeling that "this Commission ... and the members of this Committee certainly have never entertained any notion of discrimination or anti-immigrant sentiments or anti-non-English-speaking sentiments; and I certainly did not get a sense of that from any of the artists who have spoken toward this issue here. So I find offensive, personally and collectively, [Mr. Loli's] charge that somehow we've colluded to deny your permit, to deny your right to work. We're not denying your

right to work; we're just denying your right to sell as part of this Program. You have every right to continue working, develop your art in every kind of way that you like.... The issue here is participation in this Program, following the rules and regulations of this Program.... The reason the Program is run the way it is ... is because it's run by a community of artists who monitor each other and support one another. I just wanted to make clear that at no time did the Commissioners have any extra-meeting discussion of this case ... outside of these meetings.... I personally resent the notion that somehow this was an anti-immigrant, anti-Latino thing. Not at all. I've seen no evidence of that, and I would have been the first to identify that and attempt to rectify that issue if that were the case." The Committee's decision, he said, was made "strictly on the merits of the case."

Commissioner Lloyd encouraged Mr. Loli to re-apply in June because the Commissioner felt that he had "a lot of talent and your art is beautiful." The Commissioner wanted to see him continue to be a street artist. However, if he challenged the Committee's sanctions or continued to violate the Program over the next three months, it "would reflect very poorly on your ability to renew your permit. Cooperating with us is a much better way to get renewal than to fight us."

Commissioner Cuellar stated that there was a "gray area" of items not of Mr. Loli's initial creation but of his elaboration which "creates a problem for us. Since this is a street artist's—as opposed to street peddler's—issue," the Commissioner urged him to consider that, when he is selling in the Street Artists Program—"as opposed to when you're selling at San Francisco State where you may be free to sell whatever you like"—he must "sell items that are clearly of your own creation that have been screened and certified.... Anything less than that, I would consider being disrespectful and dishonest, unethical and immoral—issues that you raised in discussion with respect to this Program—that if you're selling items that you didn't create ... even if they're elaborated, that's kind of a gray zone for me as an artist." If, however, Mr. Loli were to develop the crafts that were purely of his own creation, the Committee could move forward without a problem with his request.

3. New business

Street Artist Michael Addario discussed a problem arising from the Program's ten-day grace period for certificate renewal. Because an artist's renewal is not backdated to the previous certificate's expiration date, it is possible for an artist to gain additional time to sell—albeit illegally—between certificate expiration and renewal if the artist renews toward the end of the ten-day grace period. Furthermore, Mr. Addario stated, this "robs the Program of some revenue." He asked that the Committee calendar a proposal to rescind the grace period and to set a policy to strengthen certification enforcement which would include retroactive compensation to the Program from artists who are found selling without a valid certificate.

Commissioner Johnston invited Mr. Addario to submit his proposal in writing to the staff for possible calendaring.

Street Artist Susan Pete stated that one measure to assist certification enforcement would be the Program's resuming the publication of a timely "attrition list" of expired certificates.

Program Director Lazar stated that he had already invited various artists to submit proposals to him for efficient methods of ascertaining and publishing lists of expired certificates.

There being no further public comment, Commissioner Johnston adjourned the meeting at 4:35 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director



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San Francisco Arts Commission

April 11, 2007

STREET ARTISTS COMMITTEE

Wednesday, April 11, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance or renewal of certificate

Frank Dong - Certificate # 7194 expired July 21, 2006. Alleged violation: Selling without a valid (current) certificate (violation of Section 7(a) of Street Artist Ordinance, Proposition "L" of November, 1975 election).

2. Hearing and possible motion to approve amendment to Arts Commission Street Artists Lottery Rule V by providing for day and time of lottery to select members of Lottery Committee, and by providing for street artist volunteers to help run such lottery.

On March 20, 2007, the Street Artists Program Director received a petition from street artists requesting that 9:20 a.m. on Sunday be the specified time and day for the lottery to select members of the Lottery Committee.

3. Street Artists Program Director's Report

4. New Business

5. Adjournment

April 4, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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**San Francisco Arts Commission**

April 11, 2007

STREET ARTISTS COMMITTEE

Wednesday, April 11, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Jose Cuellar, P. J. Johnston

Members absent: Commissioner Alexander Lloyd

Staff present: Street Artists Program Director Howard Lazar, Program Associate Evelyn Russell

Chairing the meeting, Commissioner Johnston called the meeting to order at 3:11 p.m.

1. Street Artists Program Director's Report

Unlicensed vendors on Port property. Street Artists Program Director Howard Lazar reported that, in keeping with a March 5, 2007, Arts Commission resolution, Director of Cultural Affairs Richard Newirth wrote to Port Executive Director Monique Moyer to abate the selling activities of unlicensed vendors on Port property—particularly unlicensed spray paint vendors—and to meet with Program Director Lazar to formulate a proposal to replace the unlicensed vendors with designated locations for licensed street artists. In response, Ms. Susan Reynolds of the Port replied that the Port was enhancing its enforcement against the unlicensed vendors and was also developing a program to license street performers. Her letter did not mention street artists (i.e., the people licensed by the Arts Commission who make arts and crafts); instead, it encouraged the Arts Commission staff to participate in support of the proposed performers' licensing program through the Port Commission meeting process.

In reference to the Port's enhanced enforcement against illegal vendors, Mr. Lazar stated that he received an in-depth report by street artist Michael Addario with photographs showing a continuation of illegal vendors, particularly spray paint vendors, on Jefferson Street between Boudin's Bakery/Restaurant and the Pier 39 shopping/amusement complex. Mr. Lazar forwarded the report and photos to Ms. Reynolds with a cover letter, again requesting a meeting to discuss replacing the illegal vendors with a strict program of licensed street artists who face the ongoing possibility of "Arts Commission's denial of renewal of their permits should they violate the street artist ordinance in any way." No reply has yet been received.

Commissioner Johnston reported that, after the full Arts Commission meeting which approved the resolution to the Port, he encountered Mr. Robert G. Davis, Executive Director of the Entertainment Commission, who told Commissioner Johnston that he would be contacting the Arts Commission with regard to plans for the street performers.

In view of this, Commissioner Johnston proposed that the three agencies (Entertainment Commission, Arts Commission, and the Port) meet to discuss not only the street performers but also new spaces for street artists on Port property. He wanted to see the Port understand that it would be more practical to have licensed street artists taking up space on the Port's sidewalk than to leave it vacant for unlicensed vendors. Otherwise, it would not be likely that police officers, due to available staffing, would ever be able to have

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a round-the-clock presence to eliminate the illegal vending on Port property.

Street Artist Michael Addario stated that he attended the last meeting of the Port Commission, and the Arts Commission's resolution was not mentioned at all in the Port's receipt of communications, nor discussed at the meeting. Mr. Addario submitted to the Street Artists Committee photographs of current unlicensed vendors on Jefferson Street which he took during three recent evenings. He maintained that the unlicensed vendors were also "bringing in a bad element of people doing Three-Card Monte" which, in one known instance, resulted in violence.

Mr. Addario further stated that the Port published a vehicular parking survey which blamed the street artists for creating parking problems, citing artists who sell their wares on the 100 and 300 blocks of Jefferson Street. Mr. Addario stated that there are no street artist spaces on the 100 block and that it appeared that the Port's report was encompassing the licensed street artists with the unlicensed vendors.

Commissioner Johnston noted that Mr. Addario's photos showed not only unlicensed vendors but street performers. The Commissioner requested Program Director Lazar to try to organize a meeting with Mr. Davis and the Port to see if street artists would be included in the Port's plans for street performers. If more support is required, Commissioner Johnston, as President of the Arts Commission, offered to send a letter to the President of the Port Commission.

2. Hearing and possible motion to approve issuance or renewal of certificate

Frank Dong—Certificate # 7194 expired July 21, 2006. Alleged violation: Selling without a valid (current) certificate (violation of Section 7(a) of Street Artist Ordinance, Proposition "L" of November, 1975 election).

Program Director Lazar stated that he had received a telephone report alleging that street artist Frank Dong had been selling on various occasions since the expiration of his certificate. He allegedly had been selling at Justin Herman Plaza and on Beach Street. A further report alleged that he had attempted to obtain a space through the artists' lottery on February 19, 2007, Presidents' Day, but was denied when a lottery helper verified that Mr. Dong's certificate had expired eight months previously.

The Program Director commented that the repeated selling without a valid certificate was a serious violation of the street artist ordinance, especially in view of the fact that many artists saw to it that their certificates were renewed—and their licensing program supported—even during financially lean seasons.

The Program Director called two witnesses to testify.

Street Artist Virginia Travers stated that she had witnessed Mr. Dong selling during August, 2006, at Justin Herman Plaza; she did not know at the time that his certificate had expired. Knowledge of this was not readily available because he would not enter the lottery, where certificates are verified, but would show up and take a leftover space later in the day. Ms. Travers went on to say that early in March, 2007, she was set up on Beach Street when Mr. Dong arrived in the afternoon to sell next to her. While they conversed about vacations and other subjects, a Lottery Committee worker informed her that Mr. Dong's certificate had expired the previous July. Ms. Travers then asked Mr. Dong if his certificate was expired, and he replied in the affirmative. She suggested that he go to the Program office to renew it. He packed up his display and left.

Ms. Travers commented that, in her opinion, Mr. Dong wrongfully sold during the eight months of his certificate's expiration, and that "it undermines the integrity of the other street artists who do pay for their licenses on time ... We are really blessed to have this Program; no matter how broke I am, I always make sure that I pay my license on time, only because I feel it's such a minimum amount for me in order to survive." She further stated that she did not believe that, for Mr. Dong, this was a hardship case, for he has retirement income and owns his home. Because of his long-time participation in the Program, she said, "he knows he has to pay his license on time." She said that the rules of the Program were "minimal": "you make what you sell; you sell

what you make; and you pay your license on time."

The Commissioners verified that Mr. Dong had been a street artist for over twenty-six years.

Street Artist Robert Chan stated that on February 19, 2007, Presidents' Day, he was a Lottery Committee helper checking street artist certificates. Mr. Dong showed him his certificate, whereupon Mr. Chan informed him that it had expired and refused to allow him to sign up for a space.

The Committee requested Street Artist Frank Dong to reply to the statements of the witnesses and to give his version of what had happened.

Mr. Dong stated that he appreciated the good intentions of his fellow street artists who reminded him to renew his certificate, that he had a very poor memory, and that, in the present circumstance, there must be a good reason for him to learn the lesson. Otherwise, if he had avoided this hearing, "the same thing would continuously happen the rest of my life as long as I belong to the Street Artists Program." He said that he would make great effort to remember to renew from now on.

Mr. Dong went on to say that on weekends he would appear on the street at 2:00 p.m. because in the morning he is a spiritual practitioner at San Francisco Center for Meditation from 4:00 a.m. until 1:30 p.m. As he had not participated in the street artists' morning lottery very often (which would have required him to show his certificate), he had forgotten that his certificate had expired.

Commissioner Johnston asked him whether, during the previous winter holiday season, he sold at various times during the week.

Mr. Dong replied that on weekends he sold in the afternoons.

Commissioner Johnston stated that while he considered Mr. Dong a sincere person, he also appreciated the testimony of the other artists that the integrity of the Program had to be protected. Furthermore, the Program was self-funded, relying on the consistent payments of its certificate-holders. If the Street Artists Committee was to grant Mr. Dong a new certificate, the Commissioner wanted to see the Committee calendar a motion to renew or not renew Mr. Dong's certificate a year hence (April, 2008). If Mr. Dong were to renew on his own initiative, the Program Director could report this and the matter could be tabled.

Mr. Dong stated that he would be "very happy to pay whatever I owe ... I have no intention to try to save a dollar."

Program Director Lazar stated that he had explored this possibility with the City Attorney's office and had been advised that the Arts Commission had no authority to require an artist to pay for a period of time in which the artist's certificate had lapsed; instead, the Commission could grant a new certificate and suspend it for a period of time, or defer the suspension for a meaningful period of time. However, in light of Mr. Dong's statement of voluntarily contributing what he felt he owed, the Program Director pointed to the street artist fund ordinance (Ordinance 151-99) which established the street artist fund as a special fund and provided for the Street Artists Program to accept "all donations of money and other gifts" as well as "any grants, gifts and bequests from private sources" to "be deposited into" the Program's "special fund."

Commissioner Cuellar asked whether it would be possible for a forgetful artist to pay for three years' worth of a certificate.

Mr. Lazar replied that, while he did not know of a provision that would limit an artist to paying for one renewal period at a time, he would have to consult with the City Attorney on this.

Commissioner Cuellar pointed out that the Program does not have the resources necessary to notify the artists of the dates to renew their certificates, that it was the artists' responsibility to remind themselves.

Program Associate Evelyn Russell commented that a street artist's certificate contains a red-lined box around the certificate's expiration date, and that the artist is required to display the certificate at all times while selling. Furthermore, the Program gives each artist two certificate cards—one to keep on the display and one to be carried on the person. Therefore, there is ample opportunity for an artist to know when the certificate expires.

Ms. Russell went on to state that she was creating a list of current certificate-holders to be updated monthly and given to the Lottery Committee.

Commissioner Johnston stated that he did not want to set a precedent for "inviting" artists to shirk their responsibility for paying for their certificates.

Commissioner Cuellar ascertained from the Program Director that, in the future, if the Committee were to hear a case of nefarious intent to dodge a certificate renewal, the Committee would have the authority to withhold issuing the certificate, or to issue the certificate subject to a suspension period which could be deferred to a meaningful time of the year.

Street Artist Virginia Travers stated that her membership permit for the Screen Actors Guild lists an expiration date, and that she would not be permitted to work as an actor unless she paid her dues on time.

Commissioner Johnston moved that Frank Dong be found in violation of the street artists ordinance by selling without a certificate, that a new certificate be issued to Mr. Dong, and that the Program Director accept Mr. Dong's offer to donate money to the street artist fund to cover the period of time in which he offered his items for sale without a valid certificate; the motion was seconded by Commissioner Cuellar and unanimously approved.

Street Artist Michael Addario commented that a problem could arise for the fiscal health of the Program if artists were allowed to purchase certificates three years in advance, thereby avoiding fee increases in the interim.

3. Hearing and possible motion to approve amendment to Arts Commission Street Artists Lottery Rule V by providing for day and time of lottery to select members of Lottery Committee and by providing for street artist volunteers to help run such lottery (*hearing requested by street artists*)

The Commissioners acknowledged that the Program Director had received a petition from street artists requesting that 9:20 a.m. on Sunday be the specified time and day for the lottery to select members of the Lottery Committee.

Program Director Lazar stated that, until December, 1995, the Lottery Committee had always been elected by the street artists. But the Arts Commission began to receive complaints about favoritism. On December 4, 1995, the full Arts Commission approved a proposal from street artists Bill and Bob Clark to eliminate the election of Lottery Committee members and to provide for their selection by lot. While the new procedure was implemented, however, no provisions were made for designating a specific day or time to run the lottery. Arbitrarily, since 1996, the artists themselves chose to run the member-selection lottery on a Saturday at 9:00 a.m. The problem which has arisen is that this occurs at the same time of the major Wharf lottery which, by some reports, prevents a close monitoring of the member-selection lottery.

The Program Director also stated that he had received a proposal from other artists to maintain the member-selection lottery on Saturday but have it start earlier than the Wharf lottery, at 8:45 a.m.

Commissioner Johnston asked Mr. Lazar for his opinion of whether there was a general consensus for either proposal.

Mr. Lazar responded that there was no general consensus; in fact, he discovered that some names appeared on both petitions.

Commissioner Johnston asked for public comment.

Street Artist Tina Jamison, who authored the first petition, in favor of a Sunday member-selection lottery, stated that the lottery to select Lottery Committee

members should be changed to Sunday because (a) Saturday is the busiest day; (b) many Lottery Committee members are not available on Saturday because they are selling at Justin Herman Plaza and therefore are not present to oversee the member-selection lottery; and (c) on Sunday artists are more relaxed and would be inclined to observe the workings of the lottery.

Street Artist Jimmy Sha, who authored the second petition, in favor of a Saturday member-selection lottery, stated that he is a Lottery Committee member who has made sure that a sign-up sheet for Lottery Committee candidates is placed at the Wharf lottery ten days prior to the member-selection lottery. He went on to say that it was not true that people were not present on Saturdays to monitor the member-selection lottery; there were always at least ten people monitoring it. He showed the Commissioners plastic poker chips on which, he said, candidates' names are written. The chips are put in a small bag which is shaken; the chips are drawn at random and recorded. He suggested that the member-selection lottery be kept on Saturday but held earlier than the Wharf lottery.

Street Artist Catherine Zhang stated that Lottery Committee member Brian Hopper asked her to observe Mr. Sha running the member-selection lottery. She demonstrated with the chips and bag how he placed the chips in the bag and drew them out, allegedly favoring certain people.

Program Director Lazar stated that Ms. Zhang had previously come to his office and made this complaint against Mr. Sha, whereupon Mr. Lazar had asked her for the names of witnesses and received none.

Commissioner Johnston refused to hear the matter as it was not on the agenda.

Street Artist Susan Pete stated she had been on the Lottery Committee for five years and had never seen chips used for selection of members. The selection, she said, had been done with names placed on regular lottery slips.

Commissioner Johnston stated that he did not feel comfortable voting for the issue—especially because it gave rise to procedural controversy—without seeing support from more artists. While Sunday seemed more logical to him, he did not see a major consensus for it. He wanted to see future consideration based on a larger petition of artists and more artists in attendance to speak on the issue. He also wanted to see the Program Director meet with both factions and submit a recommendation to the Commissioners.

Street Artist Edward Steneck stated that there are more artists present on Saturday than on Sunday; therefore, there are more people to observe the procedure.

Commissioner Cuellar, as well, favored receiving more information. He asked whether any of the artists present would object to the members' lottery being held prior to the Wharf lottery.

Ms. Jamison responded that she had no objection to its being held on Saturday before 9:00 a.m.

Mr. Lazar stated that he was available to meet with all artists who were interested in producing a unified proposal.

Commissioner Johnston moved to continue the item; the motion was seconded by Commissioner Cuellar and unanimously approved.

Seeing that there was no new business nor public comment, Commissioner Johnston adjourned the meeting at 4:05 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

April 27, 2007



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San Francisco Arts Commission

May 09, 2007 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, May 09, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, May 09, 2007 has been cancelled.

May 04, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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San Francisco Arts Commission

June 13, 2007

STREET ARTISTS COMMITTEE

Wednesday, June 13, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance, renewal, suspension, or revocation of certificate

Manuel Lori - Certificate # 6040. Alleged violations: (1) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, pipes, purses); (2) Selling items not certified by Arts Commission. *(hearing continued from March 14, 2007 meeting)*

(In its hearing on March 14, 2007, the Street Artists Committee moved that the Committee deny renewal of Mr. Lori's certificate at the time and, pending the decision of the Chair of the Committee, continue the item to the Committee's June meeting to hear Mr. Lori's request for renewal.)

2. Hearing and possible motion to approve proposal to amend duties of the lottery helper (Arts Commission Lottery Committee to assign street artist spaces) who records lottery numbers on pulled blue (Wharf area) lottery slips to include the duty of announcing artists' names and lottery numbers. *(proposal submitted by street artist)*
3. Street Artists Program Director's Report
4. New business
5. Adjournment

June 4, 2007

Notices

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San Francisco Arts Commission

June 13, 2007

STREET ARTISTS COMMITTEE

Wednesday, June 13, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Minutes

Members present: Commissioners Alexander Lloyd, José Cuellar, Sherene Melania

Members absent: none

Staff present: Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:00 p.m. and welcomed Commissioner Melania to the Committee. Commissioner Lloyd asked that the Program Director's report be given.

1. Street Artists Program Director's Report

Additional street artist spaces on Port property. Street Artists Program Director Howard Lazar stated that, in keeping with the Committee's directive of May 31, 2007, he had contacted Robert Davis, Executive Director of the Entertainment Commission, to request a meeting with him and Port personnel to discuss the possibility of spaces for street artists, as well as spaces for street performers, on Port property. Mr. Davis contacted the Port and told Mr. Lazar that Port personnel wished to wait until after budget season to discuss the issue.

Commissioner Lloyd offered to attend any such meeting on the issue with Mr. Lazar, who expressed appreciation for the Commissioner's participation.

Street Artists Program and Immigrant Rights Summit. On another matter, the Program Director stated that he has served the Street Artists Program and the Arts Commission for thirty-five years and, as a grandson of immigrants, has felt grateful for being instrumental in bringing many people from different countries into the Street Artists Program and offering them an opportunity to sell what they make. Being in this position, he has often been allowed to pay homage to his ancestors for their efforts in establishing their lives in the United States. Recently, he received a letter from the office of the City Administrator stating that the San Francisco Immigrant Rights Commission, "*whose mission is to improve, enhance and preserve the quality of life and civic participation of all immigrants in the City and County of San Francisco,*" will be convening an Immigrant Rights Summit on September 15, 2007; its theme will be "*Unity, Dignity and Opportunity for All Immigrant Communities in America.*" As a program of a department, the Street Artists Program was invited to join the Summit and be listed as a participating organization on all Summit materials. Mr. Lazar confirmed with the Immigrant Rights Commission's Executive Director that the Street Artists Program, with its sizeable population of immigrant licensees and applicants, qualified itself as a Summit participating organization. Mr. Lazar felt honored to represent an organization with a diversity of community.

The Commissioners expressed their appreciation of this achievement.

Commissioner Lloyd called for public comment.

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Street Artist Mike Addario expressed frustration over having to wait so long for the Port to reply to the Arts Commission. He went on to say that on May 22, 2007, Katherine Arrow of the Port spoke to a few artists at Justin Herman Plaza about the possibility of expanding the artists' booths into the Harry Bridges Park area. As the artists were enthusiastic about the idea, Mr. Addario e-mailed Ms. Arrow, who referred him to the Port's Susan Reynolds, who said that the Port had been in discussions about the issue; but, at this point, the artists do not know the identities of the people involved in these discussions.

Mr. Addario stated that unlicensed vendors are still ever-present on Port property. The Port has not consented to the Arts Commission's request for a meeting on this problem; and, in the meantime, the Port appears to be going ahead in implementing a street performers program. An informational presentation on this is on the Port Commission's agenda of July 17, 2007. Time is of the essence, he said, to try to get the Port, if it is going to grant performers spaces, to grant additional street artist spaces as well.

Mr. Addario went on to state his concern over hearing about talks regarding the possible continuation of the F-line (to Beach Street and Fort Mason) and, he felt, the adverse impact on forty to fifty street artist spaces. This was another reason why Mr. Addario hoped that the Port would grant additional spaces on Port property.

2. **Hearing and possible motion to approve proposal to amend duties of the lottery helper (Arts Commission Lottery Committee to assign street artist spaces) who records lottery numbers on pulled blue (Wharf area) lottery slips to include the duty of announcing artists' names and lottery numbers**

Street Artist Bill Clark stated that the artists' lottery implemented on the previous Saturday was typical of the present procedure. There were three lottery helpers and one Lottery Committee member who were assigned various tasks to verify that all pulled lottery slips and assigned spaces were recorded. However, what happens (currently) is that the artist who receives the last number in the previous day's lottery has, in becoming a helper, first choice in what job function to take—there is no actual assigned function; it is a matter of choice. One person is actually the helper who just pulls the slips out of the bucket at random and then puts them in order. The second helper numbers the slips in their sequence. The slips are handed to the third helper, who records all the certificate numbers in the order they were pulled out of the bucket. But after the first helper pulls the slips out of the bucket, that helper returns to the lottery table to help the Lottery Committee member assign spaces. The second helper, as soon as he is finished, just leaves, and this results in the lottery relying on volunteers from the group of artists to read off the order of the names and numbers.

To remedy the situation, Mr. Clark was proposing that the second helper, as soon as he finishes numbering the blue slips, take on the job of reading aloud the remaining names and numbers. Otherwise, what would happen is that the volunteer who is calling out the names and numbers would cease to do so when obtaining his own number and would go to the lottery table, leaving the group of artists to figure out who should continue to call out the numbers. Furthermore, there would be no guarantee that anyone else would volunteer to do the job. Mr. Clark was attempting to present a simple solution: the person who is assigned the task of numbering the slips would, when finished, have the time to read aloud the remaining names and numbers.

Program Director Lazar asked Mr. Clark if he was proposing this duty for the helper of the Downtown Lottery as well as the helper of the Wharf Lottery. Mr. Clark replied in the affirmative and that it would be for any main lottery. He emphasized that the artists needed a guarantee that all the names and numbers would be announced in their order; otherwise, chaos could ensue.

Commissioner Lloyd asked if anyone was objecting to the proposal.

Program Director Lazar stated that he had forwarded to the Commissioners e-mails from various artists stating that their earlier issues with the proposal appeared to have been resolved by discussion with Mr. Clark and other artists.

Commissioner Lloyd called for public comment.

Street Artist Eddy Steneck said that he is usually the volunteer who calls out the numbers, that he does not mind doing so, and that there are several other artists who voluntarily do the task as well. However, he believes that it should be an assigned task, and Mr. Steneck voiced his support of the proposal. He added that there had been discussion among the artists about some artists who do not speak English very well, but it was realized that everyone in the Program knows how to say "eight dollars," "ten dollars," etc., that they know how to pronounce numbers in English. Therefore, if some artists would have a problem pronouncing names, Mr. Steneck said, they would have no problem announcing certificate numbers, as, for example, "twenty-four eighty-nine."

Commissioner Lloyd stated that the proposal seemed reasonable and that it would make the lottery procedure smoother.

Commissioner Cuellar moved to approve amending the street artist space-assignment lottery procedure to require the lottery helper who records lottery numbers on pulled lottery slips to announce the artists' names and lottery numbers; the motion was seconded by Commissioner Melania and unanimously approved.

3. Hearing and possible motion to approve issuance, renewal, suspension, or revocation of certificate

Manuel Loli—Certificate #6040. Alleged violations: (1) Selling items not of the artist's own creation (arrowheads, gourds with figures, ceramic boxes, hemp and bead jewelry, pipes, purses); (2) Selling items not certified by the Arts Commission. *(Hearing continued from March 14, 2007 meeting)*

(For the hearing, the Street Artists Program again retained the service of a Spanish-to-English translator, Ms. Lesley Walker of Auerbach International, who simultaneously interpreted the proceedings for Mr. Loli and interpreted his statements to the Commissioners.)

The Commissioners recalled that, at the last hearing with Mr. Loli on March 14, 2007, the Street Artists Committee had moved to deny renewal of Mr. Loli's certificate and, pending decision of the Chair of the Committee, to continue the item to the Committee's June meeting to hear Mr. Loli's request for renewal.

Program Director Lazar stated that, with the Committee's previous refusal to renew the certificate, Mr. Loli had not possessed a valid certificate for over four months (since February 3, 2007). The Program Director further reported that, in the period of time between the last hearing and the present, he had neither seen nor received reports of Mr. Loli selling on the streets.

Commissioner Lloyd called for comment from the Commissioners. No comments were offered. The Commissioner then called for public comment; none was forthcoming.

Commissioner Lloyd acknowledged that Mr. Loli had acted responsibly during the interim. The Commissioner moved that the certificate of Manuel Loli be renewed; the motion was seconded by Commissioner Cuellar and unanimously approved.

Through the interpreter, Mr. Loli stated that he wished to make a motion to the Arts Commission with regard to adjusting its procedures to allow him to have pre-approval for all items he would be creating because he was "constantly creating" his art.

Commissioner Lloyd thanked him for his comment.

4. New business

Street Artist Mike Addario stated that, relative to the request for street artist spaces and other issues on Port property, he wanted the Arts Commission to approach the Port to see if the issues could be brought to closure. Now that summer was approaching, additional spaces on Port property would be highly valued by the artists, especially since the long-time Beach Street spaces were not as lucrative as before. It was, he said, frustrating to see Beach Street not so profitable while people who were unlicensed—that is, without street artist

certificates, business tax certificates, and state seller's permits—were selling day and night on Port property and actually profiting from the patrons of Pier 39. He went on to say that the letter requesting spaces sent by former Arts Commission Director of Cultural Affairs Newirth to Port Executive Director Moyer never made it to a Port Commission meeting. Mr. Addario asked that the Arts Commissioners consider re-issuing the letter and sending it directly to each of the Port Commissioners.

Commissioner Lloyd stated that the letter was intended to reach the Port Commissioners and that he would be glad to offer his help in this matter.

Program Director Lazar stated that it appeared that the letter, rather than going to the Port Commissioners, had been delegated to the Port's Susan Reynolds, who then sent an e-mail response which did not address the issue of street artist spaces.

Commissioner Lloyd asked that Mr. Lazar work with him on drafting a letter to the Port Commissioners.

There being neither further new business nor further public comment, Commissioner Lloyd adjourned the meeting at 3:29 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

07/16/07



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San Francisco Arts Commission

July 11, 2007

STREET ARTISTS COMMITTEE

Wednesday, July 11, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve issuance of certificate

Paula Datesh (Grundman): On April 9, 2003, the Arts Commission denied re-issuance of Ms. Grundman's (Datesh's) certificate after finding that she had violated the Street Artists Ordinance in the following manner: (1) Selling within five feet of a fire hydrant; (2) Selling in a location not designated by the Board of Supervisors, 2nd offense; (3) Selling items not certified by the Arts Commission, 2nd offense; (3) Conducting business in a disorderly, improper, hazardous manner by (a) threatening in writing a street artist and (b) threatening verbally, and disrupting businesses of, street artists. On July 3, 2007, Ms. Datesh requested a hearing for consideration of issuance of a new certificate in accord with the Arts Commission's procedure to hear such requests by former certificate-holders whose certificates were revoked.

2. Hearing on proposal to disallow computer-generated paintings on canvas, wood, or any other surface from being sold in the Street Artists Program. *(proposal submitted by street artist)*
3. Hearing on proposal to eliminate the 10-day renewal policy on a street artist certificate to allow for renewal of more than 10 working days after the certificate's expiration. *(proposal submitted by street artist)*
4. Hearing on request for Advisory Committee of Street Artists and Craftsmen Examiners enforcement on Beach Street. *(request submitted by street artist)*
5. Street Artists Program Director's Report
6. New Business
7. Adjournment

July 3, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

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30 !

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San Francisco Arts Commission

July 11, 2007 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, July 11, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, July 11, 2007 has been cancelled.

July 6, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

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San Francisco Arts Commission

August 08, 2007 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, August 08, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, August 08, 2007 has been cancelled. A special meeting of the Street Artists Committee is scheduled for Wednesday, August 22, 2007, its agenda to be forthcoming.

August 1, 2007

Notices

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Public comment in regard to specific items will be taken before or during consideration of the item.

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San Francisco Arts Commission

August 22, 2007

STREET ARTISTS COMMITTEE

Wednesday, August 22, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve proposal for Board of Supervisors designation of four (4) street artist spaces on the 400 block of Hayes Street, north side, at Octavia Street, or other location(s) in the Hayes/Octavia vicinity (continued from September 13, 2006 meeting)

2. Hearing and possible motion to approve issuance, denial, suspension, or revocation of certificate

Manuel Loli - Certificate #6040. Alleged violation: Selling items (glass pipes and wooden pipes) not certified by Arts Commission (second offense).

3. Hearing and possible motion to approve issuance of certificate

Paula Datesh (Grundman): On April 9, 2003, the Arts Commission denied re-issuance of Ms. Grundman's (Datesh's) certificate after finding that she had violated the Street Artists Ordinance in the following manner: (1) Selling within five feet of a fire hydrant; (2) Selling in a location not designated by the Board of Supervisors, 2nd offense; (3) Selling items not certified by the Arts Commission, 2nd offense; (3) Conducting business in a disorderly, improper, hazardous manner by (a) threatening in writing a street artist and (b) threatening verbally, and disrupting businesses of, street artists. On July 3, 2007, Ms. Datesh requested a hearing for consideration of issuance of a new certificate in accord with the Arts Commission's procedure to hear such requests by former certificate-holders whose certificates were revoked.

4. Street Artists Program Director's Report

5. New Business

6. Adjournment

August 8, 2007

Notices

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Public comment in regard to specific items will be taken before or during consideration of the item.

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San Francisco Arts Commission

August 22, 2007 Notice of Amended Agenda

STREET ARTISTS COMMITTEE

Wednesday, August 22, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Notice of Amended Agenda (amended as of August 17, 2007)

1. Hearing and possible motion to approve proposal for Board of Supervisors designation of four (4) street artist spaces on the 400 block of Hayes Street, north side, at Octavia Street, or other location(s) in the Hayes/Octavia vicinity (continued from September 13, 2006 meeting)

2. Hearing and possible motion to approve issuance, denial, suspension, or revocation of certificate

Manuel Loli - Certificate #6040. Alleged violation: Selling items (glass pipes and wooden pipes) not certified by Arts Commission (second offense).

3. Street Artists Program Director's Report

4. New Business

5. Adjournment

August 17, 2007

Notices

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San Francisco Arts Commission

August 22, 2007

STREET ARTISTS COMMITTEE

Wednesday, August 22, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Alexander Lloyd, José Cuellar

Members absent: Sherene Melania

Staff present: Interim Director of Cultural Affairs Nancy Gonchar, Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:03 p.m. and requested that the Street Artists Program Director's report be heard.

1. Street Artists Program Director's Report

Street Artists Program Director Howard Lazar reported on the following:

Street Artists Program's contributions to San Francisco. The Program Director had come across the following data he had compiled for the Mayor's budget office in 2004 and stated that he felt the data was just as pertinent, if not more so, now:

1. The Street Artists Program provides services to two major groups of constituents: the street artists it licenses and the public who buys from the street artists.
2. In granting licenses to some 400 artists to earn a living for themselves and their families, it allows the artists to sell on some of the highest retail sidewalks in the world - seven days a week all year round.
3. Approximately 350 street artist locations, designated by the Board of Supervisors, fall within four supervisory districts: Districts 1, 2, 3, and 6.
4. Since its inception in 1972, the Program has been indirectly responsible for the livelihood of over 7,000 artists and their families, which has resulted in an inestimable savings in governmental assistance.
5. In 2004, the street artists served nearly 10 million visitors to San Francisco (statistics compiled by SF Convention & Visitors Bureau) in the four supervisory districts: 6.61 million in District 6 (Union Square, Market Street cable car turnaround, Embarcadero); 3.20 million in Districts 2 and 3 (Fisherman's Wharf); and 189,000 in District 1 (Cliff House/Pt. Lobos).
6. Without incurring any cost for the taxpayers, the street artists of the self-supporting Street Artists Program contribute an estimated \$4,000,000 annually to San Francisco's economy (the Program Director's estimate based on 200 artists who sell daily and earn a conservative average annual income of \$20,000).
7. The Program reduces San Francisco's unemployment rate by licensing street

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artists to support themselves through selling their work. Using statistics provided by the *San Francisco Chronicle*, Mr. Lazar showed that, in 2004, the Program reduced San Francisco's unemployment by 1%.

8. The presence of street artists in public places reduces the number of individuals panhandling, loitering, and living on the streets, as well as reducing the number of thefts on the sidewalks, during business hours of 10 a.m. to 7 p.m. Using statistics provided by the Union Square Business Improvement District, Mr. Lazar showed that the presence of street artists on a sample heavily-trafficked retail street as Market Street, between 4 th and 5 th Streets, reduced the number of individuals panhandling, loitering, and living on the streets, and reduced the number of thefts, for the year by 67%.

List of current certificate-holders. Following the directive of the Program Committee, the Program's Associate Evelyn Russell produced a list of current certificate-holders for the second consecutive month. The list is alphabetized and shows the future expiration date of each certificate. The list has been useful at the lotteries for spaces; to further assist the lotteries, one of the artists, Michael Addario, sorted the list by date.

Barbara Keith-Smith. Street Artist Barbara Keith-Smith, who had been in the Program since 1997, recently passed away. She is best remembered for her licensed three-dimensional (dioramic-style) paintings of interiors. Calling her "a wonderful presence out on the street," Mr. Lazar stated that he received several e-mails from street artists expressing their condolences and sharing happy stories about Barbara.

Spaces by The Cannery. The Program Director was contacted by Patson Development Company, the new owner of The Cannery, with regard to the locations of the street artist spaces adjacent to the three sides of the shopping complex. Mr. Lazar met with Ms. Alicia Jermaine, the Cannery's Property Manager, and showed her the sites. Ms. Jermaine expressed to him that her management was having a problem with artists in space "J-5" (Jefferson Street) extending their displays too far into the entrance of The Cannery's courtyard. Mr. Lazar observed that someone had incorrectly painted the location of the brackets of "J-5" and said he would repaint them in their proper location - away from the entrance. He also informed the artists at the lottery to observe the distance-from-entrance regulation or face possible disciplinary action.

Advisory Committee monitoring of arts and crafts. At the request of the Program Director, members of the Advisory Committee of Street Artists and Craftsmen Examiners have been visiting the street artist sites on the weekends during summer and have been sending their reports with photos of possible violations to Mr. Lazar to take action on the alleged violators. Mr. Lazar informed the Commissioners that, while he was handling the most egregious violations, he had not been able to keep up with the volume of reports.

Winter holiday spaces. For the September meeting of the Street Artists Committee, Mr. Lazar stated that he would be submitting his request for additional street artist spaces for the upcoming winter holiday season. If approved, this will be the 26 th consecutive year that the Arts Commission will be submitting such legislation to the Board of Supervisors on behalf of the street artists.

Budget for fiscal year 2008-09. For the agendas of October or November, Mr. Lazar stated that he would be submitting his budget for fiscal year 2008-09. He anticipated a proposal for increases in the certificate fee for each of the next three years, as the Program's surplus fees, which have offset recent deficits, are expected to be depleted by the end of the current fiscal year. He pointed out that, due to the Program's utilization of the present surplus, it was possible to have maintained the fee at the same level for the current year and the previous two years.

No smoking at Justin Herman Plaza. Upon receiving a complaint against an artist's alleged smoking of marijuana and then receiving the artist's response that it was being smoked for medical reasons, Mr. Lazar sought advice from the City Attorney's office as to whether smoking of marijuana for medical reasons at Justin Herman Plaza was to be allowed. The City Attorney responded that, because the Plaza was to be used for recreational purposes and was under the

jurisdiction of the Recreation and Park Commission, no smoking of anything, not even marijuana for medical purposes, was allowed.

Commissioner Cuellar asked that the Program Director correct any possible typographical or other errors that may be in the list of current certificate-holders. The Commissioner invited artists to check out the list and submit any questions concerning possible errors to Mr. Lazar.

Commissioner Cuellar also requested an assessment at the next meeting from the Program Director as to the number of grievances/alleged violations awaiting investigation and how they may be prioritized.

Commissioner Lloyd called for public comment on the Program Director's report.

Street Artist Michael Addario stated that, with regard to the list of current certificate-holders, it would be possible for the Program Assistant to update each file as the certificate-holder is renewed, so that all 400 files would not have to be reviewed each month. Secondly, Mr. Addario wanted to see the Program investigate obtaining an electronic licensing system.

In response to a question by Commissioner Cuellar as to obtaining an estimate of the cost of converting to an electronic system, Mr. Lazar stated that one of the Program Assistant's goals for the year is to research the types and costs of such a system. Commissioner Cuellar encouraged the Program to pursue the research.

2. Hearing and possible motion to approve proposal for Board of Supervisors designation of four (4) street artist spaces on the 400 block of Hayes Street, north side, at Octavia Street, or other location(s) in the Hayes/Octavia vicinity (continued from September 13, 2006 meeting)

Program Director Lazar referred the Commissioners to a map he had drawn, based on the proposal from street artists William and Robert Clark, which would place four street artist locations some sixty feet away from the nearest business, Flipper's Hamburgers. The Program Director further stated that he had met with Mr. Chris Mejia, an arts events coordinator of Hayes Valley who had proposed an alternative location for the street artists: the west side of Octavia Street, near Hayes Street, facing Patricia's Green. Mr. Mejia had also expressed that, if this were successful, other street artist spaces could be requested for designation along Octavia Street, commencing near Market Street, in order to attract customers up the street and eventually to commercial Hayes Street.

Mr. Lazar went on to relate that he had met with Mr. Lorn Dittfeld, a co-director of the Hayes Street Merchants Association, who had liked the idea of having street artists in the vicinity. Since then, however, Mr. Dittfeld is no longer a co-director; and Mr. Lazar received a letter from Mr. Russell Pritchard, a co-director, which stated his Association's opposition to having street artists in Hayes Valley.

Mr. Lazar stated that, from his own experience in working with the Street Artists Program for thirty-five years, he has found that whenever street artists are on a sidewalk, as mentioned previously (see Program Director's report), their presence reduces crime on the sidewalk, they become "ambassadors" for the city offering visitors directions to shops and restaurants, and they enhance the economic and cultural vibrancy of a neighborhood.

Should the Commissioners adopt any plan for street artists in Hayes Valley, Mr. Lazar recommended that the spaces be designated for six months only. If the spaces were to engender problems in the community, the Arts Commission would not have to be obliged to request their continuation.

At the request of Commissioner Lloyd, the Program Director outlined the process of legislatively obtaining street artist spaces.

Commissioner Cuellar noted that Mr. Mejia was not present.

Street Artist William Clark presented the Commissioners with copies of

Proposition "L" (Street Artist Ordinance), the ballot measure adopted by the voters in 1975, and stated that, in the past, people had the misconception that street artist spaces are limited to three feet wide by four feet long; whereas the ordinance allows a street artist space to be less than three feet wide if the sidewalk is not wide enough to provide for a three-foot space. He read from the section describing the Board of Supervisors designating, after public hearing, "areas in or on any public street or public place where any street artist certified pursuant to the provisions of this ordinance may sell, offer for sale, expose for sale, or solicit offers to purchase any art or craft item of his or her own creation ... In designating such areas, the Board of Supervisors may impose such conditions and limitations at its discretion are necessary to prevent any undue interference with normal pedestrian or vehicular traffic, or any damage to surrounding property including interference with view or enjoyment of public parks ..." The safety regulations, Mr. Clark said, were passed by the Supervisors after the ordinance was approved by the voters to help determine safe places for street artists.

Mr. Clark went on to say that, although the Commissioners were presented with an alternative proposal to the Clarks' proposal, he was happy to take as many suggestions as possible to the Board of Supervisors. He was offering his own proposal on the basis that it fit all the legal requirements and that they are not near any merchants or businesses but are adjacent to a parking lot. He encouraged the Commissioners to pass the proposal, with or without recommendation, to the Supervisors for an opportunity to discuss the issue on that level.

Mr. Russell Pritchard, Co-Director of Hayes Valley Merchants Association, stated that his Association was formed in January, 1991, and, since its inception, one of its primary goals is establishing the Hayes Valley neighborhood as very unique whereby people coming to San Francisco to shop will not find within the neighborhood what they would see elsewhere, such as in chain stores. After fighting off the establishment of a Starbucks in the neighborhood, the Hayes Valley merchants and residents succeeded in getting legislation passed which bans all chain stores from Octavia and Hayes Streets and Octavia and Market Streets. In the last seventeen years, he said, the Hayes Valley focus on all of its neighborhood events has been on its individual shops and the uniqueness of the neighborhood. It has received press coverage locally and nationally. He went on to say that about 75% of his neighborhood's merchants show works of local artists; his own store exhibits photography by street artist Rich Trager. His organization, evolving as an arts coalition, is working with Supervisor Ross Mirkarimi and Arts Commission Public Arts Program Director Jill Manton on the next installation for Patricia's Green. He went on to describe other upcoming art events and sidewalk sales for his neighborhood.

Street Artist Robert Clark stated that, for thirty-five years, he has been working to find locations for street artists, and that "it was amazing," after working "so hard for thirty-five years to help the art community," to hear "that the reason why they don't want us in their neighborhood is because they have a neighborhood where they're trying to create an artistic atmosphere. To me, that is exactly the reason why we *should* be in their neighborhood. And I would like this Commission to recognize that thirty-five years ago, when we first started fighting for street artist spaces, and being arrested, and going to the Board of Supervisors, it was exactly for this reason that the merchant associations ... blanketly opposed any street artists in their areas." Prior to going to the Board of Supervisors and the ballot, he said, there were standing complaints by the merchant associations lodged with the Police Department to deny permits for the artists. "As a result of that, that is what caused us to go to the people; we went to the ballot, and the people - over a hundred thousand of them - voted and said, 'Yes, Supervisors, you may designate locations in any street or public place in this city for street artists and craftsmen.' Now that 'may' is a permissive 'may': that's giving us permission to come before this board and ask for locations in any street and public place in this city."

Mr. Clark went on to say that his brother and he walked through Hayes Street and found a sidewalk adjacent to a parking lot which could contain four street artist spaces. The Clarks decided to not propose locations across from Patricia's Green "because the merchants object to us being by parks because we obstruct the view of parks." The best thing to do, they decided, was to propose the four locations by the parking lot, as this would have the least

interference with the merchant community. "I don't know what more we can do. ... For thirty-five years, we went to the Port, we went to Rec-Park, we went to 24 th Street, we went to Clement Street, Haight Street, and every single time the merchants in those areas came with the same excuse: 'We don't want these people in our neighborhood.' Now we have a merchant organization that has the audacity to come up here and tell us we don't deserve to be in their neighborhood because they only cater to artists and craftsmen." However, Mr. Clark stated, this was not the real issue. The real issue was that the street artists represented competition for the Hayes Street businesses, and that, Mr. Clark emphasized, was not a legitimate reason to deny the artists the right to be in the neighborhood.

Mr. Clark ended by saying that all his brother and he were asking was that the Arts Commission pass the item to the Board of Supervisors. "Let's put this out in the public; let's let these merchants stand up in front of the television cameras and tell the public who voted in favor of the Street Artists Program" that "We don't want these people in our neighborhood." The voters, he said, had wanted to see the street artists and craftspeople move into the neighborhoods. "It's 'we the people,'" he said, "not 'we the merchants of Hayes Street.'"

Street Artist Michael Addario stated that not only is the previously mentioned Rich Trager a licensed street artist but Dan Das Man, who created the large *Passage* statue on the Embarcadero, was a former street artist, too. "The San Francisco Street Artists Program is an incubator for talent," he said.

At the close of public comment, Commissioner Lloyd stated that he was inclined to recommend to the Board of Supervisors approval of the proposal for a six-month designation to assess what effects the spaces might have on the neighborhood.

Commissioner Cuellar moved that the proposal of William and Robert Clark for the designation of four (4) street artist spaces on Hayes Street be accepted for submittal to the Board of Supervisors, with a recommendation that the Board also consider the option of other locations in the vicinity, and that it be further recommended that the spaces be designated for six-months with option of renewal in order to assess their impact on the neighborhood; the motion was seconded by Commissioner Lloyd and unanimously approved.

3. Hearing and possible motion to approve issuance, denial, suspension, or revocation of certificate

Manuel Loli - Certificate # 6040. Alleged violation: Selling items (glass pipes and wooden pipes) not certified by Arts Commission (second offense).

Program Director Howard Lazar stated that the Commissioners last June had voted to renew Mr. Loli's certificate. Thereafter the Program Director received reports and accompanying photos, taken by members of the Advisory Committee of Street Artists and Craftsmen Examiners on July 7 and 14, 2007, of Mr. Loli and his display at Justin Herman Plaza. (Mr. Lazar submitted the reports and photos as evidence.) The Committee, in their report of July 7, noted that Mr. Loli was selling flame-worked glass pipes which Mr. Loli had never submitted for examination by the Advisory Committee and approval of the Arts Commission. In their report of July 14, the Committee noted that, in addition to his selling glass pipes again, Mr. Loli was selling wooden pipes that were not the same wooden pipes as the Committee had approved him to sell.

Mr. Lazar also received photos of Mr. Loli's display on July 7, taken by a person whose identity was confidential, showing glass pipes which Mr. Loli had not submitted for examination nor received approval to sell.

Mr. Lazar summarized the Program's position, as follows: It was not a question of whether or not Mr. Loli made the pipes; the point was that Mr. Loli was in violation of the law by selling items which had not been screened and certified. Such violation has been traditionally held by the Arts Commission as a serious violation. The Commissioners themselves, in re-issuing his permit, warned him against committing such violation, and informed him that anything new he wished to sell must first be submitted to the Advisory Committee for examination; this is in keeping with the Street Artists Ordinance which requires

the Arts Commission to screen the wares of a street artist in order to verify that the items are of the artist's own creation. Mr. Lazar further stated that, upon being warned, Mr. Loli told the Commissioners that he did not see why he should have to screen anything new since he was an artist constantly creating his art (see June 13, 2007 minutes of the Street Artists Committee in which Mr. Loli asked the Commissioners to "adjust" the law to allow him to have pre-approval for all items he would be creating).

The Program Director stated that he reviewed Mr. Loli's file and noted that on November 10, 2005, Mr. Loli was screened for wood pipes, but these were not the same in shape as those he was currently observed selling. (The Commissioners compared the photo taken on November 10, 2005, with that taken on July 14, 2007.) Secondly, at the comprehensive visit performed by the Advisory Committee at Mr. Loli's studio on November 2, 2006 (as requested by the Commissioners), the Advisory Committee approved him to sell tuaga nut-and-wood pipes which did not resemble the wood pipes he was currently found selling. (The Commissioners compared the photo of the tuaga nut-and-wood pipes taken at the studio visit with the July 14, 2007 photo of the wood pipes.) Furthermore, at the same studio visit, the Advisory Committee stated disapproval of laminated wood pipes offered by Mr. Loli because he had failed to demonstrate fabrication of the pipes and failed to provide ample raw materials, receipts, finished pieces, "or any ameliorating circumstance to explain the foregoing."

Mr. Lazar contended that Mr. Loli, having gone through nearly a year's worth of hearings with the Commissioners, having received a four-month denial of renewal of his certificate until the Commissioners authorized its renewal last June, and having received a clear warning from the Commissioners that henceforth he would have to submit any new item for screening prior to offering it for sale, failed to submit the glass pipes and the wood pipes for a screening and therefore committed a major violation of the Street Artist Ordinance. Accordingly, the Program Director was requesting revocation of Mr. Loli's certificate.

Commissioner Cuellar requested Mr. Francisco Hulse, the interpreter provided by the Street Artists Program for Mr. Loli, to make it clear to Mr. Loli that the Commissioners wanted him to address the specific violations of displaying for sale items not certified.

Through the interpreter, Mr. Loli stated that it was his intention to clarify things. With respect to the denunciations of the glass pipes that he was selling, he wanted to clarify - because it had not been clear - that he had put his heart into the making of the pipes. He had told the Advisory Committee members at his studio visit that he could use metal, bone, wood, glass in his items, and that these were shown in the photos taken by the Committee in his studio. (He submitted copies of photos to the Commissioners.) He said the photos showed other materials made of glass, such as bottles and other containers. He went on to say that at no time was it his intention to violate anything. The last time his license was renewed, he said, he thanked the Commissioners for that, despite having endured nearly a four-month suspension. This was for having declared himself "in rebellion" and having gone "ahead and sold without license." He asked for forgiveness. With regard to the present situation, he "had no intention now of violating anything." As for the wood pipes, he had been approved to sell pipes - simple pipes that he makes. In the photos of the studio visit, it could be readily observed that there were "pipes in the process of being made, and they were laminated pipes." He thought that he "could sell all this" because he "had been approved; at no time was" he "told that" he "could not sell." His license, he said, from July of 2006, said that he was approved to sell wood pipes. His most recent license, however, did not include various items for which he had been certified. He asked where the document was that said that he could not sell the wooden pipes he was currently selling. He concluded that it was up to the Commissioners to decide the matter, and that he had "no intention of bothering" them "anymore or taking up any more time."

Mr. Loli added that he personally was very satisfied with his art and did not believe that he had violated anything. "The only thing that really rubbed" him "the wrong way is that" among the "350 artists ... less than a handful of artists want to make trouble for" him for anything. In particular, he said, there was one lady who, not respecting his clients, was harassing him, taking pictures of

him, and has made trouble for him for a year. According to her, she had the support of a member of the Street Artists Program. (Mr. Loli submitted a letter to the Commissioners.)

Commissioner Lloyd asked the Program Director why there was a difference in Mr. Loli's previous certificate card and his current one. Mr. Lazar responded that there have been instances in which street artists have asked the certifying staff to not list on their cards items for which they had previously received certification but to list only items they were currently selling. He did not know what Mr. Loli had told the Program Associate who had made out his current card. However, if anyone were to ever question whether a particular artist had the authority to sell a certain item, a complete record was in the artist's file describing all the items the artist was allowed to sell.

In response to further questions by Commissioner Lloyd, the Program Director stated that, in advance of the hearing, Mr. Loli had been informed in two letters and accompanying photos of the items that were in violation. Furthermore, Mr. Loli had come before the Commissioners last year on the same charge, relative to other items he had been selling, because he had not heeded the warning issued to him prior to that time. In fact, the Program Director had digressed from the Commission's hearing procedure on street artist violations by giving him a warning for a type of serious violation — selling items uncertified — which ordinarily would have resulted in a hearing without previous warning. The Program Director stated that, by issuing him a warning, he had given him an opportunity to adhere to the rules; but Mr. Loli had ignored them.

Commissioner Lloyd stated that, after Mr. Loli's previous hearings with the Street Artists Committee, it was clear to the Commissioner that Mr. Loli had understood that it was not only that he had to make what he sold but that he had to get the items approved prior to selling them.

Mr. Loli stated that he had shown the screening committee everything at his studio, and when he came to see the Program Director last week, Mr. Lazar did not even know he had been approved for wood pipes; he should be sincere and say why "wood pipes" did not appear on his license, as well as his knitted leather bags and decorated boxes. How was he to know what he could sell if those items were not on his license?

Commissioner Lloyd clarified, again, to Mr. Loli that he was only allowed to sell items that had been approved through the Commission's procedure.

The Program Director stated that, while an omission on Mr. Loli's certificate could have been the result of staff error, Mr. Loli knew exactly what he was allowed to sell because he had been physically present at every screening and studio visit relevant to his items and had been spoken to directly by the Advisory Committee, which included the assistance of an interpreter hired by the Program for the studio visit. All items that had been approved for him to sell had appeared on his previous licenses. Furthermore, if he had had a problem with the deletion of items from his current license, he had had ample opportunity to mention it and corrections would have been made.

With regard to Mr. Loli's allegation that the Program Director did not know he had been approved for wood pipes, Mr. Lazar had told him that he did acknowledge that he had been approved for wood pipes but that they were not the same pipes that he had recently been observed selling. Just because an artist has been approved to sell "wood pipes," it does not mean that the approval extends to all types of wood pipes the artist may wish to sell. The approval was made only for the specific wood pipes that had been examined.

Commissioner Lloyd stated that it was important that the public understood that this Program was not for street vendors but for street *artists*.

Mr. Loli maintained that the wooden pipes had no major differences in comparison with the previous ones that had been approved; there was only "a minimal difference in angles."

Commissioner Cuellar asked Mr. Loli to distinguish the differences between the pipes appearing in the photos he had brought to the hearing, the pipes approved by the Street Artists Program (shown in photos in his file), and the

pipes observed on his table by the Advisory Committee members. The Commissioner asked him if there was any photo in his file or in any he had brought that showed the glass pipes he was selling as approved by the Advisory Committee.

Mr. Loli responded that he had the understanding that the things in his studio were approved, including pipes of glass.

Commissioner Cuellar stated that he wanted to see a glass pipe of Mr. Loli's that had been approved by the Street Artists Program.

Mr. Loli responded that, according to his letter, he had "a process of evolution in" his "art." There were pipes that had been approved at his first screening; and there were pipes that he had shown at his studio; "and there were "new designs ... made of the same material."

Commissioner Cuellar asked him if, by the time he had received last year's license, there had been approved glass pipes listed on his license.

Mr. Loli countered that the Commissioner did not understand what he was trying to explain.

Commissioner Cuellar stated that he was looking for the evidence of approval of glass pipes, not their artistic creation.

Mr. Loli stated that everything in his studio had been approved.

Commissioner Lloyd stated, to Mr. Loli, that if this were the first time he came before the Commissioners, the Commissioner would be persuaded to give him the benefit of the doubt; but the Commissioners had made it clear to him that he was required to seek approval for everything that he wished to sell. Commissioner Lloyd, in reviewing the photos of Mr. Loli's file, the photos of his studio visit, and the photos of his recent street display, stated that he did not see any evidence that the glass pipes had ever been approved.

Commissioner Cuellar stated that, given the fact that there was no evidence that glass pipes had been approved by the Program, given the fact that Mr. Loli himself, in his letter, identified three categories of pipes - pipes approved, pipes observed in his studio, and pipes that he makes and sells for the past three years - it was apparent that Mr. Loli understood that he was suspended because he had sold without certification and not because he did not make his own art.

The Commissioner went on to say that his Committee, in the previous hearings with him, had attempted to make it clear to Mr. Loli that the Street Artists Program was not a street *vendors* program, that he could obtain a peddler's license from the police, under Section 869 of Part II, Chapter 8 of the Municipal Code, and could sell unexamined items without a problem. But, as a street artist certified by the Arts Commission, he was entitled to sell only his own items as examined and approved by the Advisory Committee and the Arts Commission.

Commissioner Cuellar further noted that there had been a number of violations committed by Mr. Loli that had been noted by both the Program Director and the Advisory Committee. Furthermore, the Commissioners had been dealing with Mr. Loli's issues for the better part of a year and had spent nearly \$10,000 (in staff time and interpreters' fees) in helping him to comply with the law. After "investing a significant amount of money in this case," the Commissioner concluded that "Mr. Loli fails to understand still ... what we're trying to say. With all the professional help in translating" it appeared that Mr. Loli did not want to understand that he could not sell items that have not been approved by the Commission. "Therefore," Commissioner Cuellar concluded, "because he [Mr. Loli] understood that he could not do that, and he still did it, and that this is not the first offense but another in a series of offenses, I am going to move that we revoke his certificate."

Commissioner Cuellar moved that it be found that Manuel Loli violated the Street Artist Ordinance by selling items (glass pipes) not certified by the Arts Commission, that such violation constituted a second offense of the ordinance, and that Mr. Loli's certificate be revoked; the motion was seconded by

Commissioner Lloyd.

Commissioner Lloyd called for public comment.

Street Artist Z. B. Doroszkiewicz stated that, while most street artists try to upgrade the art of their Program, Mr. Loli violated the artists' endeavor by admitting to the artists themselves that he was selling pipes without the Commission's permission. The artists tried to talk to him, to give him a chance to comply, but he did not.

Mr. Loli stated that he was very sorry that the Program had spent \$10,000, but he had to spend \$2,500 on attorneys; it also generated health and financial problems for him and his family. To Program Director Lazar, he stated, "May it weigh on your conscience that my wife today is going for psychiatric help ... In two weeks, I'm going to Argentina to see her... I will accept what you have decided."

The motion was unanimously approved.

4. New business

Street Artist Michael Addario submitted a letter listing five issues and described each briefly.

Street Artist Fernando Hechavarria. Mr. Addario asked that the Arts Commission give recognition to the heroic efforts of Street Artist Fernando Hechavarria who left his stand to help save a Cannery security guard, who was having a heart seizure, from an attacker. Mr. Addario asked that the Commission pay Mr. Hechavarria an honorarium to compensate him for loss of income as a street artist while having to attend court proceedings against the assailant.

Commissioner Lloyd stated that the City Attorney would have to be consulted to see whether it was within the Arts Commission's purview to grant an honorarium for such an incident. He asked the Program Director to schedule this for the next agenda.

Port Commission's Street Performers Program. Mr. Addario described how in 2003 Program Director Lazar approached the Port with a plan to designate 31 spaces for street artists; the plan was rebuffed by the merchants on Port property and the staff of the Port. Mr. Addario photographed illegal vendors on Port property in 2006. He then went on to describe the Port's steps in establishing a licensing program for performers on Port property. He urged the Arts Commissioners, staff, and street artists to be watchful of the activities of the performers, as certain activities could possibly adversely affect the reputation of the Arts Commission's Street Artists Program.

Former Street Artist Paula Datesh (Grundman). Former certificate-holder Paula Datesh (Grundman) asked that her request for a new certificate be heard at next month's Committee meeting.

Commissioner Lloyd directed Program Director Lazar to calendar the item on next month's agenda.

There being no further business, Commissioner Lloyd adjourned the meeting at 4:36 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

September 13, 2007



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San Francisco Arts Commission

September 12, 2007

STREET ARTISTS COMMITTEE
Wednesday, September 12, 2007
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve proposal to disallow computer-generated paintings on canvas, wood, or any other surface from being sold in the Street Artists Program. (proposal submitted by street artists)
2. Hearing and possible motion to approve proposal to eliminate 10-day renewal policy to allow for renewal of more than 10 working days after a certificate's expiration date. (proposal submitted by street artists)
3. Hearing and possible motion to approve issuance of certificate

Paula Datesh (Grundman): On April 9, 2003, the Arts Commission denied re-issuance of Ms. Grundman's (Datesh's) certificate after finding that she had violated the Street Artists Ordinance in the following manner: (1) Selling within five feet of a fire hydrant; (2) Selling in a location not designated by the Board of Supervisors, 2nd offense; (3) Selling items not certified by the Arts Commission, 2nd offense; (3) Conducting business in a disorderly, improper, hazardous manner by (a) threatening in writing a street artist and (b) threatening verbally, and disrupting businesses of, street artists. On July 3, 2007, Ms. Datesh requested a hearing for consideration of issuance of a new certificate in accord with the Arts Commission's procedure to hear such requests by former certificate-holders whose certificates were revoked.

4. Hearing and possible motion to approve proposal by Program Director for temporary winter holiday selling spaces for street artists in Downtown area and at Harvey Milk Plaza; designation for November 15, 2007 - January 15, 2008) (same spaces and same time period as approved for 2006-07).
5. Hearing and possible motion to approve resolution commending Street Artist Fernando Hechavarria for bravery. (resolution requested by street artists and Program Director)
6. Hearing on request for Advisory Committee of Street Artists and Craftsmen Examiners enforcement on Beach Street.
7. Street Artists Program Director's Report
8. New Business
9. Adjournment

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September 6, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and [web site](#).

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Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>



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San Francisco Arts Commission

September 12, 2007

STREET ARTISTS COMMITTEE

Wednesday, September 12, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Alexander Lloyd, José Cuellar, Sherene Melania

Members absent: None

Staff present: Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:05 p.m. and requested that the Street Artists Program Director's report be heard.

1. Street Artists Program Director's Report

Street Artists Program Director Howard Lazar reported on the following:

Alleged violation cases for review. In response to a request by Commissioner Cuellar at the previous month's meeting, the Program Director reported on the number and disposition of alleged violation cases that have accumulated: there were two cases which the Program Director felt were worthy of submitting to the Street Artists Committee for hearing; seven cases that required the issuance of warning notices; and two cases requiring in-depth investigation prior to considering courses of action. Relative to the ongoing annual backlog of cases, Mr. Lazar will be contacting the City Attorney's office to help him find a legal intern who could assist him once or twice a week in taking down reports by plaintiffs, investigating cases, and typing warning notices and other documents.

2. Hearing and possible motion to approve issuance of certificate Paula Datesh (Grundman)

Program Director Lazar briefly summarized that, on April 9, 2003, the Arts Commission denied re-issuance of Ms. Grundman's (Datesh's) certificate after finding that she had violated the Street Artists Ordinance in the following manner: (1) Selling within five feet of a fire hydrant; (2) Selling in a location not designated by the Board of Supervisors, second offense; (3) Selling items not certified by the Arts Commission, second offense; (4) Conducting business in a disorderly, improper, hazardous manner by (a) threatening in writing a street artist and (b) threatening verbally, and disrupting businesses of, street artists. On July 3, 2007, Ms. Datesh requested a hearing for consideration of issuance of a new certificate in accord with the Arts Commission's procedure to hear such requests by former certificate-holders whose certificates were revoked.

Mr. Lazar stated that the City Attorney and he felt that Ms. Datesh's request falls within the purview of the Arts Commission's policy on revocation and final revocation, adopted by the Arts Commission on June 7, 1993, which provides in relevant part that "(1) a period of at least one year must elapse between the revocation of a street artist certificate and the Commission's consideration of an application for a new certificate; (2) the Program Committee must hear the request for a new certificate; (3) at the hearing, the applicant must present evidence in the form of witness testimony or documentation that he or she is

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now able and willing to comply with the street artist ordinance; (4) the Program Committee's recommendation for approval or disapproval is submitted to the full Art Commission which, by resolution, approves or disapproves the recommendation...." Mr. Lazar went on to state that the gist of the City Attorney's advice in the present matter was that the Commissioners allow the policy to be the guidance of their consideration and that be the scope of consideration. While the public could speak about other issues regarding Ms. Datesh, the Commissioners represented the Street Artists Ordinance and were, therefore, urged by the City Attorney to arrive at a decision based on the requirements of the ordinance and the Commission's revocation policy.

Ms. Paula Datesh introduced two witnesses on her behalf, Ms. Kitty Quon of Fine Facets jewelry store, San Francisco, and Ms. Viki Tamaradze of Misc. & Etc. Merchandise, Berkeley.

Commissioner Cuellar ascertained that the two witnesses were not affiliated with the Street Artists Program. Ms. Quon stated that she owned a store in the Gift Center and has sold beads to Ms. Datesh who had used them in the design of fine jewelry.

Commissioner Lloyd asked Ms. Datesh for her view of the charges that were levied against her in 2003.

Ms. Datesh responded that she had not been able to attend the hearing at that time, that she had made "every effort possible to notify the Arts Commission"; the hearing had been postponed many times. Because she had not been able to attend the hearing, her "frustration or ... dilemma" began with "this bluebook" [The Street Artists Program's 1998 edition of its handbook entitled, *Street Artists Program*] which "should be made available to be public information; it's out of print, it's out of date," but she "was able to find it ... in archives of San Francisco Library." She went on to say that she made "a lot of efforts in the beginning to ask people 'Do you know anything about it whatever?' In the bluebook it clearly states that when a person's permit is revoked, they are entitled after a year to reapply. I didn't know that because I didn't have access to this bluebook. And I did try. And that's the heart of my dilemma. So basically there were serious charges, and I never got a chance to answer them. ... I don't take issue with them. But I did make every effort in these past three years to find out. I came to these hearings three separate times, once with a lawyer who sat in back, just to have three minutes at the end of public comment to request that it be put on the agenda. ... According to the minutes, April 14, 2004 ... it was supposed to be put on calendar ..."

Commissioner Lloyd stated that she was presently before the Committee and the Committee would make a decision based on what has changed within Ms. Datesh and not on the process that got her before the Committee.

Ms. Datesh went on to state that "then there was the hearing in City Hall; again, nobody told me that at the end of a year you could reapply. ... Nobody addressed it; nobody talked about it." She stated that she had been in Pennsylvania for two years, during which she contacted Program Director Lazar a few times on the possibility of returning to the Street Artists Program, "but nobody mentioned to me that you could reapply after a year."

She confirmed with the Commissioners that the question for consideration was "What's different or what's changed?"

Commissioner Cuellar responded: "Why should we issue the certificate to you?"

Ms. Datesh responded that "it's an entitlement," that if a person was working very hard making their items, they are entitled to a permit. She admitted that she worked "out on the street for a year without a permit, and for me it was hard because even though I didn't get any tickets and I tried to be by myself, stay out of the line of fire, stay away from people, I was working really hard at night making my stuff too" and was selling her items in locations that were "not the good spots" ... Going back to the bluebook, had the bluebook been made available to me the very short time that I was in that Program, that's the rule book, I would have understood the rules instead of having to find out the hard way."

Ms. Datesh went on to relate that the first time she had a hearing "was only

about three months after getting that license ... and I got suspended; again, nobody explained to me the appeal process."

Commissioner Lloyd asked her if she had had an opportunity to read the rulebook now.

Ms. Datesh responded: "Oh, I know it by heart, believe me."

Commissioner Lloyd asked her whether, if she received a permit, she would be able to follow the rules.

Ms. Datesh responded: "I think I made a lot of mistakes. I probably made more mistakes than any person can make. And I learned the hard way because I didn't have a friend in this Program. I'm from New York; the orientation of selling on the streets is completely different. I think over time you sort of learn things or people might talk to you ..."

Commissioner Cuellar asked Ms. Datesh whether the violations she had made were based on ignorance of the rules rather than intentional violations of the rules.

Ms. Datesh responded that she "never had a chance to answer those allegations."

Commissioner Cuellar stated that Ms. Datesh had alleged that in the past she had not read the book, she did not know the rules, no one explained them to her. The Commissioner pointed out, however, that there were at least two sources of information available to her: one was the text of the bluebook; "the other is the Director of the Program who, for the limited time that I've been on the panel, on the Commission, two, almost three years now, I've seen him to be very receptive to inquiries ... responding directly to questions, and even anticipating questions of members of the Program.... I find it difficult to believe that Howard wouldn't answer direct questions from you ... when you say that no one explained to you. I find that difficult." The Commissioner went on to say that "this is an interactive program ... funded by the artists. It's a membership program and an interactive community" of artists "who might be able to help you explain and understand" the rules. "So there are two ways of getting information about the Program..." He further explained that his fellow Commissioners and he "are servants here doing public service from our various disciplines to help the Street Artists Program. ...We're here to follow just the rules. That's what we're trying to understand from you: If we issue a certificate, ... what can you say to us so that we will be confident that you will follow the rules and that we won't be here within a year or so dealing with violations of being too close to a fire hydrant, selling where you're not supposed to sell, selling materials that you did not make yourself ...or conducting business in a way that is not conducive within the context of the Arts Commission? The issues that were raised here in the past ... We understand now that in the future how can you assure us that we won't have to be dealing with these issues again? ..."

Ms. Datesh responded that she could "understand that it costs money for hearings; it costs money for interpreters; ... it's almost an investment in a person, when you don't know someone, he might come in just prior to Christmas and screen things in five minutes or less ... you don't get a rule book in the beginning even if you request it ...So over time a person can come to know things. Especially I'm not from San Francisco. I was not born and raised here. So ... the way I'm looking at your question is are we going to be wasting money in a year from now?

"Because ... you gave me a chance and you blew it. No, you're not going to be wasting money because I've been selling stuff on the street my entire life. I started when I was fifteen years old in New York, in Manhattan. Nobody told me anything, nobody explained me the rules, and you kind of learn the hard way. So the chances for me continuing doing this are extremely high whether it be in San Francisco or in New York City. ... I can do other things, but it's what I do. As far as following the rules, yeah, of course, I'll follow the rules. I mean I went out of my way to find this book in the archives. I mean this thing should be available to people. If you license some 400 people a year ... it should be available to people. ... did not know anything about this program; I came up from Los Angeles right at the time of 9/11 ... And it's true, you can go to

certain people ... they will take the time to talk to you, they're patient, if you speak to them in a proper way ..."

- Commissioner Lloyd asked Ms. Datesh: "So, going forward, are you prepared to follow the rules?"

Ms. Datesh responded: "Of course! But I'm not going to be working seven days a week out on the streets of San Francisco like before."

Commissioner Cuellar asked her: "You assure us that you won't sell items that you didn't yourself create artistically?... We need assurance of that."

Ms. Datesh responded: "Yes. I think that's the major thing of the Program. I think the secondary part is the most difficult part ... the problems you might have with people around you, their attitudes or whatever. The reason why I think we here today is, according to this rule book, page 106 and 107, is that I'm here to assure you that I know the rules, that I will follow them and will abide by them ..."

Commissioner Lloyd asked to hear from Ms. Datesh's witnesses.

Ms. Viki Tamaradze stated that she has known Ms. Datesh for about a year and a half "and my association with her is from UC, and I have found her to be very commendable, reliable. ... The first of the three really are items which should be listed as rules in a book ... The last two items are behavioral kinds of things, and that's something which I think may reflect frustration of not knowing the rules. ...I think that three or four years between a lapse of a license and a re-application ... and since no one is threatened, there should be no question about it. Now I know that one of the problems ... is that you're a minority group in terms of our society, and you are struggling ...for financial support and be true to yourselves, and therefore feelings run very high, and you're not always the most rational."

Ms. Kitty Quon stated that she has known Ms. Datesh for three and a half years, and that Ms. Datesh makes "very wonderful items" like earrings and necklaces. She further stated that she bought Ms. Datesh's merchandise to sell so that Ms. Datesh "would have money to go back to Pennsylvania. Ms. Datesh told her that she makes her items during the night. She also showed her tools to her. Ms. Quon asked the Commissioners to give Ms. Datesh a license, as she had "no money and no place to stay."

Commissioner Lloyd called for public comment.

Street Artist Tad Sky stated that he has been a street artist since 1974 and is currently market manager for the artists at Justin Herman Plaza. He considered the street artist license to be not a right but a privilege. All a street artist has to do "is follow a few simple rules: make what you're selling, sell it yourself, get along with your neighbors." Ms. Datesh, he said, was unable to do that in 2003. At that time, he had some encounters with her at the Plaza when he noted that half of her table display exhibited items that she had not made; furthermore, she had made numerous complaints on other artists which, he said "were mostly frivolous." Mr. Sky asked her not to sell at the Plaza anymore "because she couldn't get along with people. Then she lost her license."

Mr. Sky went on to say that during the period without her license, from 2003 to the present, Ms. Datesh "has been selling, unlicensed, sunglasses, earrings from Peru, and other assorted jewelry that she doesn't make." This past summer, he related, she came to his booth on two occasions, each on a Saturday, at approximately 11:00 a.m., the "busy time" and "interrupted" his business to complain to him about *unlicensed* street artists in the eight spaces a block away from the Plaza. The first time, he told her he would look into the matter, but he wasn't able to. The following week she returned and complained that he had not spoken to Program Director Lazar about it. "As recently as Labor Day weekend," he said, he passed by the eight spaces and observed that Ms. Datesh was there, and a licensed street artist was helping her move her table. "She had set up in the middle of the sidewalk in front of the BART station; this other artist was kind enough to help her move her display into the row" of legal spaces. Mr. Sky then observed that her table was displaying "earrings, most of them imported from Peru, which I'm very familiar

with, and then she had these beautiful cuff bracelets where hundreds of stones are woven together; I've seen them in the Gift Center ...She was laying those out on the table. At that time I said to her, 'Paula, I know you're trying to get your license back, and I don't think it's a good idea your selling things that are illegal ... You're going to have to change everything on your table and make what you're selling.'" To the Commissioners, Mr. Sky stated that he did not believe that Ms. Datesh "brings anything to our community of artists in the Street Artists Program" and that she should not be a representative of the Program to the city or its visitors. "I strongly advise you not to give her license back because", he said, almost all of her 2003 violations listed on today's Street Artists Committee's agenda "are still true in terms of harassing other artists and not making what she sells."

Ms. Datesh asked for an opportunity to deny the allegations. She said that she was in Pennsylvania for two years, and therefore she "could not have been selling out on the streets in San Francisco." Secondly, Mr. Sky "has not presented any evidence to his allegations." She repeated: "I have not sold in the streets of San Francisco for nearly three years. ... I did on actually six occasions wait an enormous amount of time to politely ask Tad what an individual's name was ... Actually, Tad was extremely rude to me. I was not working, I was not selling ..."

Commissioner Cuellar stated that he thought he had heard Ms. Datesh state earlier that, after she had returned to San Francisco, she was selling. He now asked her to clarify whether she has been selling at all in San Francisco.

Ms. Datesh responded: "No. ... At this original hearing where they revoked my permit three years ago, the one that I was not able to attend, I did work on Montgomery and Post three to four days a week without a permit. I tried to stay out of people's way. I didn't really associate with anyone. I never went to a lottery. I actually spent an enormous amount of time at the law library across from City Hall researching ..."

Commissioner Cuellar again asked her whether she had sold since returning from out of town.

Ms. Datesh responded that she has a permit in Berkeley and "probably the past three or four weekends I've been selling there."

Street Artist Michael Addario stated that Street Artists Program Associate Evelyn Russell has a restraining order against Paula Datesh, which "creates a huge hardship for street artists" because Ms. Russell has to leave the office every time Ms. Datesh comes into the building. If Ms. Datesh were to receive a license, she would be returning frequently, which would result in Ms. Russell having to leave each time. "No for-profit business would put up with this," he stated, and Ms. Datesh's request would not have been a matter of consideration. "I'm sure a judge saw reasonable cause to put a restraining order against her; and that seems like not the only one. There are multiple restraining orders against this woman."

Mr. Addario submitted a copy of what he said was a *New York Times* article of 2003 "where it talks about Ms. Datesh being arrested and jailed and sent to Rykers Island for an aggravated harassment charge. She pleaded guilty for that ...And also San Francisco police arrested Ms. Datesh for signing someone else's name to collect 350 bracelets. She did a plea bargain for two months in jail and three years probation. That was 2003."

Mr. Addario went on to say that, in the minutes of previous Street Artists Committee meetings, "more than one Commissioner stated that they never wanted to deny anyone their livelihood. I personally sympathize and applaud that sentiment. Nevertheless, I believe that ... is a very narrow, narrow focus" which concerned him with respect to the consideration of re-licensing Ms. Datesh. "Commissioners," he said, "must not forget they are here to protect the remaining membership ... the members who place their faith in them to do the right thing. San Francisco street artist members do not have the power to cite, renew, or revoke an errant member. The street artists rely on the Arts Commissioners who sit on the Street Artists Committee to exercise their sound discretion in either re-issuing or denying a person a license ... not only to further the arts" but to protect the artists "from incorrigibles that are seeking to take advantage of the public through this Program and who may be

potentially dangerous. Due to Ms. Datesh's ... documented frequent, violent, and threatening actionsI'm formally requesting that threat assessment be commissioned on this person before she's let back into the Program. That is a formal assessment by professionals to determine if Ms. Datesh poses a danger to San Francisco street artists, Program staff, visitors, San Francisco employees or citizens. And, furthermore, do these same professionals recommend that she be allowed to re-enter our Program?"

Street Artist Susan Pete stated that she was "very frightened and very stressed about being retaliated against ... I've suffered in the past by Paula ..." as "did my licensed partner family unit John Toomey ... as well as my daughter who was a minor at the time. We were all subjected to constant, unwarranted and senseless verbal harassment ... for months at a time before successfully obtaining through the court a three-year restraining order against Paula. ... I consider it your duty as Commissioners to this Program to take all of these considerations under your advisement in making a decision. If you allow Paula Grundman to become a street artist again, then you bear responsibility of her action."

Ms. Tamaradze stated that making an assessment of a street artist's personality should be a requirement for every artist in the Program prior to obtaining a license.

Ms. Datesh asked to see the documents that were given to the Committee during public comment.

Commissioner Lloyd stated that they would be entered into the minutes and made publicly available; however, at this point, he wanted to hear what she had to say without addressing each specific allegation.

Ms. Datesh stated that "this Susan Pete issue, first off, I didn't attend that civil hearing."

Commissioner Lloyd asked her to talk about why she felt she should be allowed to re-enter the Program or about "how things might have changed" for her.

Ms. Datesh stated: "It would appear to me that this woman is in fear of me today as we speak when my small opinion on this matter was I don't know this individual; I don't know Evelyn Russell; and it was a ball of wax that just snowballed ... and it was a combination of the fact that I could not attend that hearing to address the allegations against me ... and I didn't understand how important it was because, being from New York, there's not this civil mechanism that you have in San Francisco, that anyone can ... attempt to get a civil restraining order on somebody else. It's kind of unique to California. ... I can't speak on this issue because I don't even know this person or Evelyn Russell. But it's a kind of mechanism to prevent a person from ... entering this building. I have no business in this building anymore. In the past I did. ... with individuals that Susan Pete knew. In fact, I had to go to court over 50 times. ... As for this individual Evelyn Russell, it's already been worked out with the City Attorney's office, that it would be a studio visit, and this permit would be done by mail, as many people do."

Ms. Datesh went on to say that, "as far as your not letting me see" the *New York Times* article that was presented during public comment, "what little I've read about it is not nearly the truth. Anybody can print whatever they want. I did not speak to a reporter of the *New York Times*. So I take issue with that. ..."

Ms. Datesh went on to say that "three years have passed; that's a long time." With regard to the artists at the Plaza, she stated that "I really actively was in that program for only about six months; I only worked" in the Plaza "once, and I think the person I had an issue with three years ago had many issues with other people ... When somebody is found guilty of something and it's now three years later, and people are bringing out articles in the *New York Times*, this is hearsay. You have me in front of you. And I think what you're wanting me to say is basically what is in that rulebook, that I will abide by the rules, and that I will present character witnesses to testify on my behalf. ... I did not yell and scream and rant and rave and call people at home ... but we're not going to talk about that."

Commissioner Melania stated that she was a firm believer in giving people a second chance and that "several of these are pretty crucial behavioral issues." She asked Ms. Datesh if she could say something to the Commissioners - "I've yet to hear one thing of how behaviorally you've changed, and how you're going to interact with street artists rather than just saying that you don't understand the rules. Because regardless of the rules, your conduct -"

Ms. Datesh interrupted by saying that her inability to attend the hearing was "the heart of the matter, and when you have this civil mechanism where six or eight people gang up on somebody and back each other up" in civil court, "and the defendant isn't there, that's like a ball of wax that just keeps getting bigger and bigger." She said again: "I don't know these individuals."

Commissioner Cuellar asked Ms. Datesh how long she had been in the Program, to which she replied that she had had the license for a little over a year during which "there was the three-month suspension" for a violation she committed.

Commissioner Lloyd stated that there were obviously serious allegations that had been heard, and that he did not feel there was enough evidence to reach a decision. He asked his Committee to consider doing a little more research; for this, he was inclined to continue the hearing for a month in order to check on the facts behind the article and then potentially rule on Ms. Datesh's request.

Commissioner Cuellar stated that he was very concerned about the arguments made by Ms. Datesh that she "didn't know, didn't understand, and didn't attend." The Street Artists Program, he said, was a "membership program that is in essence a community of ... interacting artists who support one another" ... and interact at the lotteries for spaces. To "the issues regarding the behavioral questions, the response was 'I didn't know these folks' ... It wasn't 'I possibly did not act appropriately, but I see the error of my ways', or 'I see their concerns', or 'I can see why my behavior at that time might have been misinterpreted or why there were restraining orders at the time that affect both a Program person and participants in the Program.' ... I haven't heard you address how you would no longer engage in behaviors that would create negative circumstances and conditions for others in the Program ..."

Ms. Datesh responded that "as far as behavior, it's difficult for me to say 'I'm sorry' because I can just express to you what I was feeling at the time. I felt that my livelihood had been taken away from me, but I did not have a chance to respond. ... I went through a lot of emotions over this three-year period. I don't have a family. It was a little difficult for me to come up with character witnesses. I feel confident in myself. ... I feel people in this Program are too quick to react; they're too quick to make judgments ... Let's see evidence of" the number of bracelets she had been allegedly selling. "It's just talk; it's not true. ... People change all the time ... A lot of it is age ..."

Commissioner Lloyd stated again that he was considering continuing the item to the following month for further investigation of the evidence and to verify that the allegations against Ms. Datesh were not invented.

Commissioner Cuellar stated that, while he could abide by a continuation, he was willing to vote on the matter now.

Commissioner Lloyd said he would entertain a motion.

Proposed Motion: Commissioner Cuellar moved that issuance of a certificate for Paula Datesh be denied due to a lack of evidence that Ms. Datesh was now able and willing to comply with the Street Artists Ordinance; the motion was seconded by Commissioner Melania.

Commissioner Melania stated that she could find no expression of remorse by Ms. Datesh for her behavior.

Action Taken: The Committee unanimously voted to recommend that the Arts Commission deny issuance of a certificate to Ms. Paula Datesh.

Program Director Lazar clarified that the Committee's motion would be submitted as a recommendation to the full Arts Commission for consideration at its October meeting, and that Ms. Datesh was entitled to appeal the Committee's recommendation to the Commission. If the full Commission

approves the recommendation, Ms. Datesh will be entitled to appeal the decision to the Board of Appeals by filing an appeal within fifteen calendar days of the Commission's decision.

In response to a question by Commissioner Lloyd on how artists may obtain the Program's rulebook, Mr. Lazar stated that the last set of hard copies of the book entitled, "*Street Artists Program - Certification and Sales Space Assignment Procedures, Arts and Crafts Criteria, Regulations and Maps of Sales Areas*," (a.k.a. the "Bluebook"), 5th Ed., February, 1998) was produced in 1998 when the Program had the money and staff time to produce it, that copies were given to all certificate-holders in the Program, sent to the public library and the City Attorney's office, and to other cities requesting (and paying for) copies, until the quantity of books expired. Since that time, the Street Artist Program has continued to provide street artist certificate applicants with materials explaining the rules governing the street artists program, including the "how to obtain a certificate" and screening process information equivalent to that contained in three major chapters of the bluebook. The information pertains to the steps in filing an application, the screening criteria and screening procedure, and what is expected of the applicant when selling his/her wares. The Program has not had the resources of staff time or money to publish a new edition of the bluebook.

Commissioner Lloyd stated that the Program Director and he should discuss how it could be updated and put on the Arts Commission's website.

**Arts Commission file note: The Street Artists Ordinance (Article 24 of the San Francisco Police Code) is also publicly available on the internet at <http://www.municode.com/content/4201/14140/HTML/ch024.html>.*

3. Hearing and possible motion to approve proposal to disallow computer-generated paintings on canvas, wood, or any other surface from being sold in the Street Artists Program.

Street Artist William Clark, in presenting documents relevant to this item and others on the agenda, requested that the Committee not take a vote on the item at this meeting in order to allow the Commissioners time to study the documents he was submitting. He stated that he had been a member of the initial screening committee (the Advisory Committee of Street Artists and Craftsmen Examiners) of the Program and had been instrumental in drafting and implementing the screening criteria at that time.

Mr. Clark stated that over a year ago he noticed that several artists who were screened for photography were taking their photographs to a third party who scanned them into computers which "painted" the images onto canvas and other surfaces. As an original member of the screening committee, he felt that such items were no longer photographs because they were no longer appearing on light-sensitive paper. He felt that those photographers should return to the screening committee and have their items re-screened under the "painting" category, and, if they wanted to sell multiples of their images, the multiples should be re-screened under the "printing" category. The main thrust of Mr. Clark's concern was that persons who were screened for photographs were now selling what he considered to be paintings.

With respect to this, Mr. Clark presented copies of three City Attorney opinions regarding third-party reproductions. He said that in these opinions, the City Attorney stated clearly that unlimited numbers of reproductions of paintings, photographs or anything are not acceptable as handcrafted items in the Street Artists Program. The fact that unlimited numbers of computer-generated paintings on canvas of photographs and other original media were now being accepted into the Program violates, Mr. Clark said, the Street Artists Ordinance.

Mr. Clark related that two Street Artists Committee hearings had been held on this matter. At one hearing, the issue was raised about the difficulty the Program was encountering in enforcing the then-existing limits on the number of prints per image being sold. The matter was sent back to the screening committee for a recommendation; the screening committee could not make a recommendation. Thereupon the Street Artists Committee recommended elimination of limited editions. At that meeting, a Deputy City Attorney was present and advised the Commissioners that, although there will be images

offered by the artists for lower prices, and the Commissioners had the authority to change the numbers of the limits, the attorney advised that the policy not be changed to the elimination of limits altogether.

Mr. Clark went on to relate that at a subsequent Street Artists Committee meeting, several months later, a motion was entertained to eliminate limited numbers entirely; but the City Attorney was not present at that meeting. The Committee went ahead, he said, without any City Attorney advice or reference to the previous opinions, and eliminated the limited numbers. Mr. Clark felt that the time had now come to address the issue because by having unlimited numbers, mass-produced items were being allowed into the Program. Proposition "L" itself (the Street Artists Ordinance adopted by the voters in November, 1975) Section 3(c), regarding the application for a street artist certificate, provides a *"declaration under penalty of perjury that the art or craft item for which the applicant seeks certification is the applicant's own creation or the creation of the applicant's family unit, and that the applicant neither employs other persons nor is employed by another person in the production of the art or craft item for which the applicant seeks certification."*

Mr. Clark stated that the City Attorney had advised that so long as multiple-image items were of limited editions, they could be considered as "handcrafted" as defined in Article 24 (legislation enacted subsequent to Proposition "L"). He said that if the Commission allowed unlimited numbers of third party-generated items, the Commission would be going contrary to the City Attorney's opinion and to Article 24.

In conclusion, Mr. Clark was asking the Commissioners to consider instituting limited editions on the computer-generated items and to consider whether computer-painted images, from photos or other sources, onto canvas should be re-screened as paintings rather than as photographs. He again urged the Commissioners to read the City Attorney's opinions before making a decision.

Commissioner Lloyd called for public comment.

Street Artist Sheila Taylor-Hill stated that she sells photos, that she understood Mr. Clark's concerns, but that digital photography and new media on which to print is a new art form which engendered much discussion and consideration. She suggested that the Commissioners review the matter and that the artists be allowed, perhaps, to meet with the City Attorney to arrive at some agreement. She added that photography is a great art form while being a high-tech area, and that the "axe" from the Program of photo images on canvas or other materials "would be going back in time."

Street Artist Michael Addario showed the Commissioners canvas prints of his photography. He said that the definition of "handcrafted item," stated in the Program's bluebook, is *"an item predominantly created or significantly altered in form by the street artist."* He described the process he uses, and that he does "Polaroid manipulations" which are transferred to a \$5000 printer. The process involves scanning the image onto a CD; it is enlarged in post-production in Photoshop. The printed image has to dry for a few days; he then has to coat it and let it dry again, and then hand-assemble it and staple it onto a frame and sign it. He attaches a label that explains the item to be "an open edition giclee print, environmentally friendly, rated to last 100 years." He sells the print for \$340.

Street Artist Thomas Duane stated that he is a professional photographer and had also operated a photo lab. The silver nitrate chemicals that are used in traditional photography are highly toxic to the environment; whereas the creation of digital photography advanced the medium as did acrylic paint to oil paint. "The medium that we use to express our art should be irrelevant. The fact that I can output something with environmentally friendly inks onto canvas ... mounted onto wood ... should be irrelevant." Silver nitrate, he said, could also be used as paint onto a canvas with the use of a traditional exposure unit to create a photographic image; he asked whether that would be considered worth more or be more artistic than inkjet technology. "The technology or the tools we use to express our craft should be irrelevant." What should be relevant is "the fact that we created it, we saw the image, we took it, and how we get to the final product by working for hours on a computer ... that's the 'handcraft.'"

Street Artist Robert Clark, whose pencil drawings were being studied by the Commissioners, stated that his brother and he were not saying that photography was not an art; "we're just saying that when a machine spits out something, there's no hands-on on the final product. The machine is spitting out the paint onto a canvas, onto a piece of paper; we're bringing up the question: Is this a handcrafted item as qualified for our Program? ... Based on the City Attorney's opinion, unless they're numbered and limited, they don't qualify for this Program."

Street Artist Virginia Travers stated that she has been a street artist since the beginning of the Program, that she is an artist - not a photographer - and that she questioned whether the limiting of digital photographs would then apply to other artwork as well. She noted that there were many photographers and persons selling prints who were not putting labels on their works which would identify the nature of the print. There was no way of knowing whether they were the originators of the images or had obtained their images from other countries.

Street Artist Edward Steneck stated that, in the past, people had complained that the Street Artists Program was just "rows and rows of jewelry stands," but when printing technology improved, "the street became lively, colorful, and visual art. Many of us became artists again. It dramatically improved the reputation of the Street Artists Program." In reference to the previous hearings on this subject, when the City Attorney was present at the meetings, "it was decided that the Program is a program of arts *and* crafts" and "these two areas have different criteria: art is a visual image that can be achieved in many ways; crafts consist of handwork. ... Unless we want to go back to a program of predominantly jewelry stands, we have to allow artists to be artists and able to make a living selling artwork at affordable prices" - that is, to be able to sell prints as well as originals.

Mr. Steneck went on to say that any numbering of prints that would be required of the street artists would be "a fraud" because there was no way to know what number at which a print would be sold at the present time if the print had been selling previously. Furthermore, he said that numbering implies a value that will increase in time; whereas what the street artists sell "are beautiful affordable pieces of artwork that decorate ... walls" and do not claim to be "something else and worth anything more than what we perceive them to be worth when we sell them." While some paintings take months to make and are then made into prints, some photographs "are once-in-a-lifetime shots" where the photographer waited for a certain animal or sunrise or a special event. "How can it be said that we can only sell some arbitrary number of the prints?"

The item did not receive a motion.

Commissioner Lloyd clarified that the item would not be continued.

4. Hearing and possible motion to approve resolution commending Street Artist Fernando Hechavarria for bravery.

At the previous month's meeting, Street Artist Michael Addario had asked that the Arts Commission give recognition to the heroic efforts of Street Artist Fernando Hechavarria who had left his stand to help save a security guard, who was having a heart seizure, from an attacker. Mr. Addario had also asked that the Commission pay Mr. Hechavarria an honorarium to compensate him for loss of income as a street artist while having to attend court proceedings against the assailant.

Program Director Lazar reported that the City Attorney had advised against Mr. Addario's second request. With regard to his first request, the Commissioners reviewed the following resolution drafted by Mr. Lazar:

WHEREAS, Fernando Hechavarria is a street artist who has been certified by the San Francisco Arts Commission since 1985 to sell arts and crafts of his own creation in public places; and

WHEREAS, On June 3, 2007, Fernando Hechavarria was selling his arts and crafts adjacent to The Cannery shopping complex when he witnessed Cannery

security guard Jim Brown defending himself from an assailant; and

WHEREAS, The security guard, who had undergone recent heart surgery, was suffering heart palpitations and severe chest pains while being struck repeatedly by his assailant; and

WHEREAS, Fernando Hechavarria left his street artist display to come to Mr. Brown's rescue, causing the assailant to desist and flee; and

WHEREAS, Fernando Hechavarria assisted responding police officers in locating the assailant; now, therefore, be it

RESOLVED, That the Arts Commission hereby commends Fernando Hechavarria for his heroic civic action; and be it

FURTHER RESOLVED, That the Arts Commission joins with the artists of its Street Artists Program in expressing its appreciation of Mr. Hechavarria's inspiring example of considering and acting to ensure the well being of another individual.

Commissioner Cuellar moved that the above resolution honoring Fernando Hechavarria be approved; the motion was seconded by Commissioner Melania and unanimously approved.

5. New business

Street Artist Tad Sky urged that members of the Advisory Committee of Street Artists and Craftsmen Examiners continue to monitor the artists' activities at Justin Herman Plaza.

Street Artist Susan Pete urged that the Arts Commission award Fernando Hechavarria, for his heroic act, a free street artist certificate for three, one or two quarters of the year.

Street Artist Michael Addario stated that during the last eight years the Chinese Neighborhood Association received \$800,000 from the Mayor's Office of Economic Development to start a nighttime market. In contrast, the Street Artists Program, he said, has survived for 35 years with no financial help from the City. The Program's surplus was running out; it appeared to him that, starting next year, the artists may have to pay an additional \$50 a year for their certificates, with increases for each of the ensuing years. This, he said, could cause the street artist membership to decrease while the fee could increase "exponentially." He urged that the Commission contract for an outside evaluation of the Program "to see what steps would be necessary to continue the life of the Program that provides access to 400 Bay Area artists." He also asked that the Commission attempt to obtain for its Program "a slice of the \$50 million acquired by the 14% Hotel Tax which the City gives to other organizations."

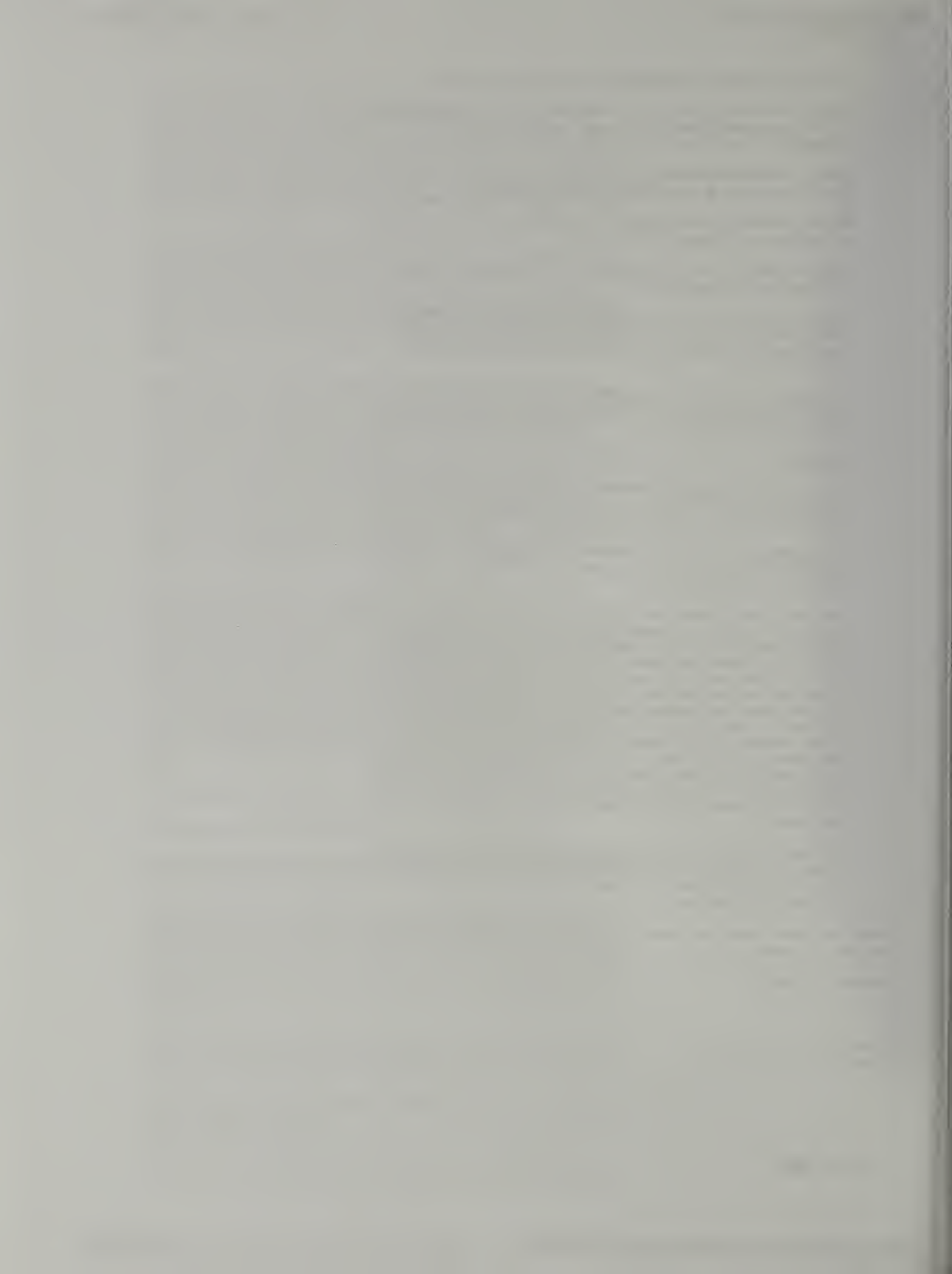
Commissioner Lloyd stated that Item 2 (hearing/possible motion to eliminate 10-day renewal policy) and Item 6 (hearing on request for Advisory Committee enforcement on Beach Street) of the agenda would be continued to the following month's meeting.

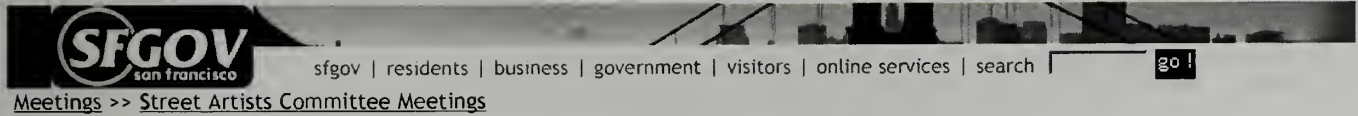
There being neither further new business nor public comment, Commissioner Lloyd adjourned the meeting at 4:40 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

September 26, 2007





San Francisco Arts Commission

October 10, 2007

STREET ARTISTS COMMITTEE

Wednesday, October 10, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing and possible motion to approve proposal to eliminate 10-day renewal policy to allow for renewal of more than 10 working days after a certificate's expiration date. *(proposal submitted by street artists)*
2. Hearing on request for Advisory Committee of Street Artists and Craftsmen Examiners enforcement on Beach Street. *(proposal submitted by street artists)*
3. Hearing and possible motion to approve honorarium payment of \$300 plus cost of paint to Mario Hernandez for assisting Program Director in painting permanent spaces and temporary winter holiday spaces in the Downtown area. *(request submitted by Program Director)*
4. Street Artists Program Director's Report.
5. New Business.
6. Adjournment.

October 3, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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San Francisco Arts Commission

October 10, 2007

STREET ARTISTS COMMITTEE

Wednesday, October 10, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Jose Cuellar and Sherene Melania

Members absent: Commissioner Alexander Lloyd

Staff present: Street Artists Program Director Howard Lazar

Commissioner Cuellar, acting as Chair, called the meeting to order at 3:14 p.m.

1. **Hearing and possible motion to approve proposal to eliminate 10-day renewal policy to allow for renewal of more than 10 working days after a certificate's expiration date.**

Street Artists Program Director Howard Lazar explained that on May 3, 1982, the Arts Commission adopted a policy to allow street artists to renew their certificates within ten working days prior to or after the date of the certificate's expiration. Then, on September 6, 1994, the Commission adopted a policy whereby the validity of a renewed certificate would commence on the day of its payment within the ten-day grace period. Mr. Lazar clarified that the grace period was not an extension of time in which to sell; it was only a period of time to allow an artist to renew, rather than lose, his/her certificate.

Street Artist William Clark stated that the ten-day renewal policy has a long history in the Street Artists Program. From the beginning of the Program in 1972 to 1976 a street artist could renew his/her certificate at any time after the certificate's expiration date as long as the artist continued to sell the same items for which he or she had received previous certification. At one point in time, Mr. Clark said, the City Attorney gave a ruling that the Arts Commission was not allowed to renew a certificate after it had expired—not even to renew it a day afterward. The ruling, he said, was later proven to be inaccurate and was replaced with the Commission's adoption of the current ten-day policy.

Mr. Clark proposed that the ten-day policy be eliminated altogether for the following reasons: (1) At the present time, the amount of money collected by the Program is dropping and the Commission may be increasing the artist's fees; (2) over the years, Mr. Clark has felt that street artists need more than ten days to renew their certificates, and this is shown by the staff's renewing some certificates beyond the ten-day period; (3) the Commission already votes monthly to approve priority issuance of certificates, with waiver of the re-screening requirement, for artists whose certificates have expired, and, in the process, the Program and the Commissioners are forced to do more work while the Program loses interim revenue.

Mr. Clark submitted copies of a November 3, 1977 City Attorney opinion regarding "Penalties for untimely renewal of Street Artist Certificates." Mr. Clark called the Commissioners' attention to the following statements in the opinion: *"The Arts Commission does not have the authority to affirmatively*

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punish street artists who fail to renew their certificates by preventing them from seeking reinstatement or new certificates for a specified period of time. ...However, the Commission does have the authority to prescribe reasonable rules and regulations for the conduct of its affairs and performance of its business according to Charter provision 3.500. Thus, a regulation setting the forth the manner in which a street artist may either reinstate his old certificate or secure a new certificate subsequent to the time period for renewal would be well within the scope of the Commission's power to establish rules for the conduct of its business." Mr. Clark pointed to this as legal authorization for the Commission to now dispense with its ten-day renewal policy and to automatically renew a certificate henceforth at any time, so long as the certificate holder continues to sell the same item(s) for which he/she had previously been screened and approved.

Mr. Clark went on to say that, at the present time, if an artist comes to the office a day or two beyond the ten-day grace period, it would be very difficult for staff to refuse to renew the certificate and make the artist wait a month for a new one. Why couldn't the Commission now establish a friendlier process at this point in time, when certificates are being dropped, which would not hinder people from re-entering the Program? Mr. Clark reiterated his proposal to rescind the ten-day policy to allow an artist to renew at any time henceforth so long as his/her file is still on record with the Program office and the artist intends to sell the item(s) for which he/she has been previously screened and approved.

Commissioner Cuellar called for public comment.

Street Artist Edward Steneck stated that he was not a hundred percent against Mr. Clark's proposal; however, he was concerned about the cash flow for the Program. While it was likely that some artists, including his wife and him, might drop out of the Program during the rainy season of January and February, the Program would lose fee revenue—for example, roughly \$140 of Mr. and Mrs. Steinbeck's money. If the ten-day grace period were dropped altogether, he suspected that a higher number of artists would take advantage of the situation, thereby adversely affecting the Program's revenue.

Mr. Steneck went on to state that the artists were already facing a potential fee increase of possibly \$40 to \$50 for the next year; if Mr. Clark's proposal were adopted, the fee might possibly increase by as much as \$100 a year. Mr. Steneck suggested that, before any vote is taken, an expert cost-benefit analysis be made.

Street Artist Michael Adarrio submitted a chart he had composed which compared revenue from an artist who pays for annual certification, an artist who pays for quarterly certification, and a "delinquent" payer who renews within the grace period but not on the date of the certificate's expiration. The charts also gave relative Program costs of licensing for the three payers. Mr. Adarrio explained how the charts demonstrate that (1) the annual payer pays \$419.20 and receives a certificate for 365 days, the quarterly payer pays a total of \$419.20 for 365 days, and the "delinquent" payer pays a total of \$419.20 but enjoys certification for *30 days more* than the other two payers; (2) the annual payer receives two certificates, two laminations of certificate, and may renew once during the year, while both the quarterly payer and the "delinquent" receive a total of eight certificates, eight certificate laminations, and may have four renewals by mails during the year; (3) the annual payer involves administrative time once during a year, while both the quarterly payer and the "delinquent" payer involve administrative time four times a year; and, most significantly, (4) the "delinquent" payer *"defrauds the Program of approximately \$34.50 per year in revenue"* due to the "delinquent" payer's allowance to renew his/her certificate within the ten-day grace period but not on the date of the certificate's expiration.

Mr. Adarrio submitted a second chart he had composed which showed street artist population numbers ranging from 275 to 400 yielding revenues, budget deficits, and projected fees required to balance the upcoming fiscal year 2007-08 budget. The chart concluded that if only 275 artists were in the Program, the fee to balance next year's budget would be \$674.55, a 61% increase over the present \$419.20 fee; whereas if the present 400 artists remained in the Program, the fee would be \$463.75, an 11% increase.

Mr. Adarrio opposed Mr. Clark's proposal and urged that the Commission retain the ten-day grace period but rescind the policy which commences the validity of a renewed certificate on the day of its payment within the grace period—in other words, if an artist, within the ten-day period, fails to pay for the renewal of the date of the certificate's expiration, the renewal should be backdated (commence from) the expiration date. Mr. Addario said that this is the way most licenses, as well as insurance policies, work.

Mr. Addario took issue with Mr. Clark's contention that causing a former certificate-holder to wait a month or so for a new certificate does not significantly adversely affect the Program's revenue.

Street Artist Robert Clark stated that Mr. Addario's "payer" chart was "totally wrong" because it was impossible for a person to sell (and thereby gain certification time) during the grace period time when the artist does not renew. He said that this was because his brother and he had succeeded in getting the Arts Commission to change a rule to make it necessary for every artist to show their certificate when signing in for a selling space at the lottery; an artist who shows an expired certificate is told that it is expired and is prevented from signing in for a space.

Commissioner Cuellar observed that the Commission had sat in hearings on cases of artists who had been caught selling with expired certificates or with no certificates at all. He asked Mr. Clark how, under the circumstances, they were able to get spaces.

Mr. Clark responded that, in the past, the lotteries were allowing artists to sign their own lottery slips, and artists whose certificates had expired were able to sign their own lottery slips and then sign up for spaces.

Mr. Clark responded to Mr. Steneck's contention that the Clarks' proposal would cause the Program to lose revenue; under the present policy, Mr. Clark stated, artists are *currently* able to leave the Program and can readily return via priority issuance of certificate. Therefore, there would be no potential revenue loss resulting from the proposal.

Mr. Clark went on to say that Proposition "L" (the present street artists ordinance adopted by the voters in 1975), states specifically that the certificate shall be issued, and nothing in the proposition states or implies a cutoff date for issuance or renewal. The first ten-day policy rule, he said, was adopted in August, 1976, and he himself was "caught by it." He went on to say that the reason for the policy's creation was that, at the time, there was an abundance of artists in the Program, and a group of artists wanted to "knock people out of the Program." When he was not permitted to renew his certificate (due to the 1976 ten-day policy) he went to "state court," he said, "in order to get back into the Program."

At the close of public comment, Commissioner Cuellar stated that he was not ready to make a motion on the item because the proposal had serious fiscal impact and policy consequences. More clarification was warranted with regard to the information that had been presented, the accuracy of the information, and a statement from the Program Director regarding projected fiscal impact on the Program, as well as impact on staff. The Commissioner wanted to be sure that a decision for or against the proposal would be in the best interest of the Program.

Responding to questions from both Commissioners, Program Director Lazar stated that the issuance of two certificates and their resultant additional staff time in production was provided for by a policy voted on by the Commission to enable an artist to maintain one copy of the certificate on his/her display and carry the other copy on his/her person to show at the lotteries. Due to cost and staff time restrictions, the Program office has never been able to send out renewal notices to the artists. And the ordinance does not allow for a limitation on the number of certificates the Commission can issue.

Commissioner Cuellar commented on the struggle his Committee has in considering the best interest of the Program in relation to the best interest of an individual artist; he wanted to see the decision to be a balance of the two.

Commissioner Melania asked that the Committee consider a distinction in

policy between a time allotment for renewing a certificate as opposed to issuing a new certificate to a former certificate-holder.

2. Hearing on request for Advisory Committee of Street Artists and Craftsmen Examiners enforcement on Beach Street.

Street Artist William Clark stated that it appeared that the number of job functions of the Advisory Committee had been reduced from thirty-five to seventeen for the present fiscal year, and this would have relevance to his request for the Committee's enforcement on Beach Street. He requested verification of the job functions reduction.

Program Director Lazar, requesting permission to respond, stated that Mr. Clark's perception was accurate, that the ordinance providing compensation for the Advisory Committee allows each member of the Committee to receive compensation for no more than thirty-five job functions or assignments (that is, screenings, studio visits, street monitoring, or other jobs assigned by the Arts Commission) per year, and that he, the Program Director, drafted the current year's budget to reflect a reduction of eighteen assignments per member in order to avoid raising the street artists' certificate fee for a third consecutive year. In so doing, the Program Director also felt confident that, given the Advisory Committee's previous accomplishment of a more than satisfactory performance in seventeen to twenty-one assignments per member, each Committee member could serve the Program very well within the current budget of seventeen assignments.

Mr. Clark stated that the Advisory Committee members typically hold twelve screenings a year (once a month), which leaves only five other assignments per member. He went on to say that he was requesting the Committee's presence on Beach Street to enforce the beadstringing criteria on street artist violators. (Mr. Clark submitted copies of the criteria as well as copies of two pages from a Rio Grande catalogue which shows commercially manufactured pendants, many of which have surfaced on artists' displays. He wanted to see the Advisory Committee stop the artists from selling such pendants on the earrings they offer for sale. But, he said, if the members have a limit of only five assignments of street monitoring, their ability to enforce the criteria on Beach Street is seriously impacted.

Street Artist Robert Clark stated that one of the responsibilities of the artists as required by law is to display their certificates, but one of the main problems on Beach Street is that many artists are not displaying their certificates. He said that someone is clearly needed to come down to the street and enforce this.

Street Artist Edward Steneck stated that the law requires that the artists also display their California Seller's (Resale) Permits in their place of business, but most artists do not display them.

Program Director Lazar clarified that, in limiting the Advisory Committee assignments to seventeen, he was not imposing the limit on the Committee as a whole but on the separate members. For example, one member could attend all twelve screenings and have only five assignments left for street monitoring duty; while another member could attend, say, seven screenings and thereby be able to spend more time—ten assignments—in street monitoring, including Beach Street.

The Program Director went on to say that various members of the Committee have spoken to alleged violators, as well as artists of borderline violations, and have faithfully sent their reports to the Program Director who, in turn, has taken action in the way of either issuing written warnings or, as in the recent case of Manuel Loli, written notices to appear for hearing to suspend, revoke, or deny issuance of the artist's certificate.

The Program Director further related that, for many years, it has been the practice of the Program office to write the State Seller's Permit number on the back of the artist's certificate, and that the personnel at the State Board of Equalization had told him that this would be acceptable in lieu of the artists' having to display the document itself. He went on to say that he has traditionally requested the Advisory Committee members to concentrate their expertise on examining and evaluating the arts and crafts being presented for

sale, and to not focus on other issues such as size regulations, State Seller's Permits, etc.

In response to a question by Commissioner Melania, Mr. Lazar stated that over the past summer he had requested teams of two Advisory Committee members each to spend one day of each weekend concentrating on the artists' wares primarily at Justin Herman Plaza, and then spot-check the wares on Beach Street or the Downtown area. The reason for concentrating on the Plaza was because that was the location for which he was receiving most complaints—not just during summer but all year round—about the work being sold.

The Commissioners requested that Mr. Lazar continue to direct the Committee members to the various locations generating complaint.

Street Artist Michael Addario stated that he agreed that while there should be some enforcement on Beach Street, the Program office should issue a warning notice regarding the enforcement of the display of certificate and Seller's Permit numbers and other requirements; otherwise, the Commissioners might be inundated with violation cases. He pointed out that the costs of trying to suspend or revoke "an incorrigible," as recently demonstrated, is thousands of dollars for the Program.

Mr. Addario raised what he described as "a security issue" regarding the Program office's disclosures of the artists' State Sellers Permit numbers. Because the website of the California Board of Equalization not only verifies whether a Seller's Permit is valid but also discloses the address (even if it is a residence address) given by the permit holder to the Board, Mr. Addario stated that he would be inquiring whether the Arts Commission's address of 25 Van Ness Avenue would be acceptable by the Board for street artists to give.

Street Artist William Clark made two suggestions for the Program: (1) Stringent enforcement—i.e., suspensions, instead of warnings—of artists who refuse to display their street artist certificates; and (2) put the State Seller's Permit number on the front, rather than the back, of the artists' certificate. Mr. Clark stated that the street artist ordinance prohibits an artist from entering the lottery for spaces if the artist does not possess a valid Seller's Permit. If the Seller's Permit number were listed on the front of the certificate, he, Mr. Clark, would be able to see it and go to the Board of Equalization's website to verify the Permit's validity. He went on to say that some artists have lied to the Program office by giving the office fraudulent Seller's Permit numbers. If the numbers, again, were listed on the front of the certificates, "for our protection we'll do our job," he said, "and not bother the Commission with this; we'll take care of it from our end, and if we find somebody whose—"

Commissioner Cuellar stated that he would rather have the subject be a policy issue taken up with the Commission, that he would prefer it be brought up when Commissioner Lloyd, the Committee's chairman, is present.

3. **Hearing and possible motion to approve honorarium payment of \$300 plus cost of paint to Mario Hernandez for assisting Program Director in painting permanent spaces and temporary winter holiday spaces in the Downtown area.**

Program Director Lazar explained that the street artists ordinance provides that the Department of Public Works is the agency to paint the street artist spaces on the sidewalks; but because Public Works personnel had been uncertain of the exact space locations, the Program Director for many years had worked with the DPW personnel in locating, measuring, and painting the spaces. The day came when DPW announced that it wanted the Street Artists Program to pay \$2,500 for painting the spaces. Since the Program did not have the funds for this, it was decided—under the guidance of the City Attorney—that DPW would, in essence, "deputize" Mr. Lazar to carry out the responsibility of painting the spaces. Thereafter, a number of years passed with the Program Director painting the spaces—not just the Downtown and winter holiday spaces but the Wharf spaces as well. Sometimes, a few street artists would voluntarily help him with the measuring of the spaces; one of the artists who volunteered consistently was Mario Hernandez. When it became evident that the time involved in painting the spaces interfered with other, more crucial, duties of the Program Director, Mr. Lazar sought Arts Commission authorization to pay an honorarium fee to Mr. Hernandez who had more than

qualified himself to do the job. This was unanimously approved by the Commission for each of the past several years. While Mr. Lazar would meet with Mr. Hernandez at certain critical sidewalks to measure and mark spaces, Mr. Hernandez assumed the majority of the work in measuring, marking, and painting all spaces. Upon completion of the assignment, the Program Director would check on Mr. Hernandez's work; if there was a mistake (and this was seldom), he would call him to return to the site and correct it.

Street Artist Edward Steneck asked if the Department of Public Works had a legal right to charge the Street Artists Program for painting the spaces.

Mr. Lazar responded that, at the time, he had received confirmation that it was indeed DPW's right, and that it was consistent with many departments who were charging other departments for their services. Mr. Lazar further stated that, on several occasions, Mr. Steneck himself had helped the Program Director in measuring and marking spaces and that, at the time, Mr. Steneck had commented that the Program Director shouldn't be the one to have to paint the spaces.

Mr. Steneck affirmed this and said that he did not feel the Program Director "should be out there on his hands and knees doing this; I think it's demeaning." He proposed that, for next year, the honorarium be announced over the internet so that someone else be given the opportunity to earn \$300.

Street Artist William Clark stated that street artists pay sales tax, part of which goes to the City and County fund. Therefore, it was "outrageous" for the Department of Public Works to charge the street artists for doing a not-too-difficult job. He wanted to see something from the City saying that the Department of Public Works has the legal authority to charge the Street Artists Program, while the street artists ordinance mandates DPW to paint the spaces.

Street Artist Robert Clark stated that the law is explicit: it mandates that the Department of Public Works do the job; it does not mandate that it charge for it. With regard to the honorarium issue, he stated that his brother and he were under the assumption that the Department of Public Works was painting the spaces, but only now he found out that the Program was hiring a street artist to do this job and earn \$300. In the past, Mr. Clark said, his brother and he had been able to obtain over \$100,000 for the Street Artists Program but never received an honorarium or "never even received a thank you from anybody for doing it, but the least the Art Commission could have done" was "to ask my brother and me if we want to do" the job "because I've spent thousands of dollars of my own money to help this program over the years; it would be a way for me personally to get some of my money back."

Mr. Clark went on to say that he sent an e-mail to the Arts Commission stating that he was willing to do the job "cheaper" for \$200 plus cost. He added that if the artists have to paint the spaces themselves, a notice should be sent to everyone in the Program inviting artists to sign up for a lottery to select the one person to do the job.

Commissioner Cuellar confirmed with Mr. Clark that he was speaking against the motion.

Upon closure of public comment, Commissioner Melania moved approval of an honorarium payment of \$300 plus cost of paint to Mario Hernandez for assisting Program Director in painting permanent spaces and temporary winter holiday spaces in the Downtown area; the motion was seconded by Commissioner Cuellar and unanimously approved.

4. Street Artists Program Director's Report.

Winter Holiday Spaces in the Downtown Area and Harvey Milk Plaza.
Program Director Lazar reported that he had drafted and submitted legislation to the Board of Supervisors for additional, temporary winter holiday spaces; it will be assigned to the Land Use Committee for hearing. He contacted the office of the chair of the Committee, Supervisor Sophie Maxwell, to request that the legislation be heard as soon as possible, as the spaces would be scheduled to commence November 15, 2007. The Supervisor's staff agreed to calendar the item for October 22, 2007. At the same time, the Program Director informed the representatives of the Merchants of Upper Market and

Castro about the proposed temporary spaces at Harvey Milk Plaza. The organization endorsed the proposal, and the Program Director forwarded its e-mailed endorsement to Supervisor Bevan Dufty, who then expressed that he wished to sponsor the legislation.

The Program Director went on to report that on October 15, 2007, he will be attending a meeting of the Department of Parking and Traffic, the Police Department, the Union Square Association, the Union Square Business Improvement District, and other merchant representatives to discuss preparations for traffic, public safety, security, publicity, and events during the holiday season in the Union Square/Yerba Buena area.

Filing of Appeal. Manuel Loli, whose certificate was revoked last August, has filed an appeal with the Board of Appeals to overrule the revocation. Mr. Loli's certificate expired in September; he submitted a fee for its renewal, whereupon the Program Director mailed the fee back to Mr. Loli with a statement refusing to renew his certificate.

Board of Equalization Seller's (Resale) Permits. The Program Director reported on the current controversy among the artists over the Board of Equalization's website disclosing the artists' addresses. Mr. Lazar wrote to the City Attorney requesting guidance in the matter. The City Attorney's office affirmed the Program Director's understanding that Seller's Permit numbers were public information which the Program office, if requested, is obliged to disclose, regardless of whether the Board of Equalization publishes the artists' addresses. With regard to this issue, Mr. Lazar now stated his own personal recommendation: that the artists telephone or write to the Board of Equalization to express their concerns and request that the publishing of addresses cease.

Under public comment, Street Artist Michael Addario stated that the disclosure of the artists' Seller's Permit numbers was defeating the Program's policy of not disclosing the artists' addresses.

Street Artist William Clark stated that he wanted to make it clear that the state law requires businesses to list their addresses and that the public, when entering a business's premises, is entitled to see the business's Board of Equalization number. Mr. Clark went on to say that at the present time, some street artists were entering the lotteries for spaces without possessing valid Seller's Permits, and that he has requested the Program Director to notify those persons that they cannot participate in the lottery until they obtain valid Seller's Permits.

In response to a question by Commissioner Cuellar, Program Director Lazar stated that, while the Program office initially verifies that an artist has a valid Seller's Permit upon the Program's issuance of a street artist certificate to the artist, the Program office does not have time to re-verify the Permit's validity each time the artist renews his/her certificate.

Commissioner Cuellar stated that he would like to see the Program staff verify with the Board of Equalization's website the validity of each artist's Seller's Permit upon renewal of the artist's certificate. Mr. Lazar responded that, if that would be the wish of the Commissioners, he would be glad to direct staff to perform this additional step.

Commissioner Cuellar stated that he felt it would be an important step because it would keep the Program in compliance with state law and the street artists ordinance's lottery provision.

Commissioner Melania asked if it were possible to have an electronic form of the Program's bluebook available to applicants, as well as a procedure requiring new licensees to sign a statement that they have read the bluebook in order to avoid the possibility of an artist claiming ignorance of a rule or procedure. This could possibly, she said, save time in discussions in future violation hearings.

Program Director Lazar responded that, when it was published, the bluebook was given to every artist in the Program, and each artist signed a statement acknowledging receipt of the book. With regard to an electronic version, Mr. Lazar was taking steps to have it on the Program's website (which was, at the

present time, being upgraded) by the end of next January. Because of the multitude of resolutions, ordinances, and procedural changes that have been adopted since the book's publication in 1998, Mr. Lazar stated that he would have to take a week off from the normal running of the Program to edit the bluebook to reflect these amendments. Rather than do that, he said, he will seek the assistance of an intern to work on the project under his direction at the office.

Commissioner Cuellar stated that he would also like to see the bluebook printed in hardcopy. Mr. Lazar responded that he would be glad to look into its cost and "add it onto the bill" of all the Program's costs he will present at next month's hearing on the budget and possible fee increase.

Commissioner Cuellar stated also that he would like to see some way in which the Program could notify each artist of his or her renewal date.

Street Artist Robert Clark responded that that was the reason for the Commission's adoption of a procedure for the office to issue not one but two certificates to each artist, so that one of the certificates would have to be shown at the lottery.

Mr. Lazar commented that another procedure his office was working on now was soliciting bids on computer programs that would eliminate the issuance of handwritten and hand-laminated certificates by printing out coated certificates bearing the artists' updated renewal, photograph, and certified products. Current figures indicate a price tag of approximately \$4,000-\$5,000.

Commissioner Cuellar asked about "in-kind contributions": perhaps it would be possible to find a businessperson or company who would donate the publishing and computer program services.

Mr. Addario stated that frequently artists will leave the Program and return with new Seller's Permit numbers without informing the Program office of this. When "some people take it upon themselves" to look up the previous numbers on the Board of Equalization's website, they find that the numbers are invalid and request the Program to not let these artists participate in the lotteries. Furthermore, there was a security issue involved in the Program's disclosure of Seller's Permit numbers.

Commissioner Cuellar responded that he did not see any way for the Arts Commission to change state policy. As for the "security issue" of disclosing Seller's Permit numbers, that was an issue for the state to take up.

Street Artist William Clark stated that he was "the person who was going to the state, doing this" and that he discovered that there was one artist, Manuel Loli, among several others, who opened an account with the state, showed his Seller's Permit to the Program office, and then deliberately closed the account on the same day.

Commissioner Cuellar responded that "it really saddened" him that the Program "had to deal with a group of ... people of obviously nefarious intent" and that the artists were policing one another; but the Commission had to follow its policies.

5. New business.

Street Artist Michael Addario requested that the Street Artists Committee's agendas publish the names of street artists or others whose proposals are calendared. Secondly, he asked that a proposal's proponent and opponent be allotted the same amount of time in presenting their views.

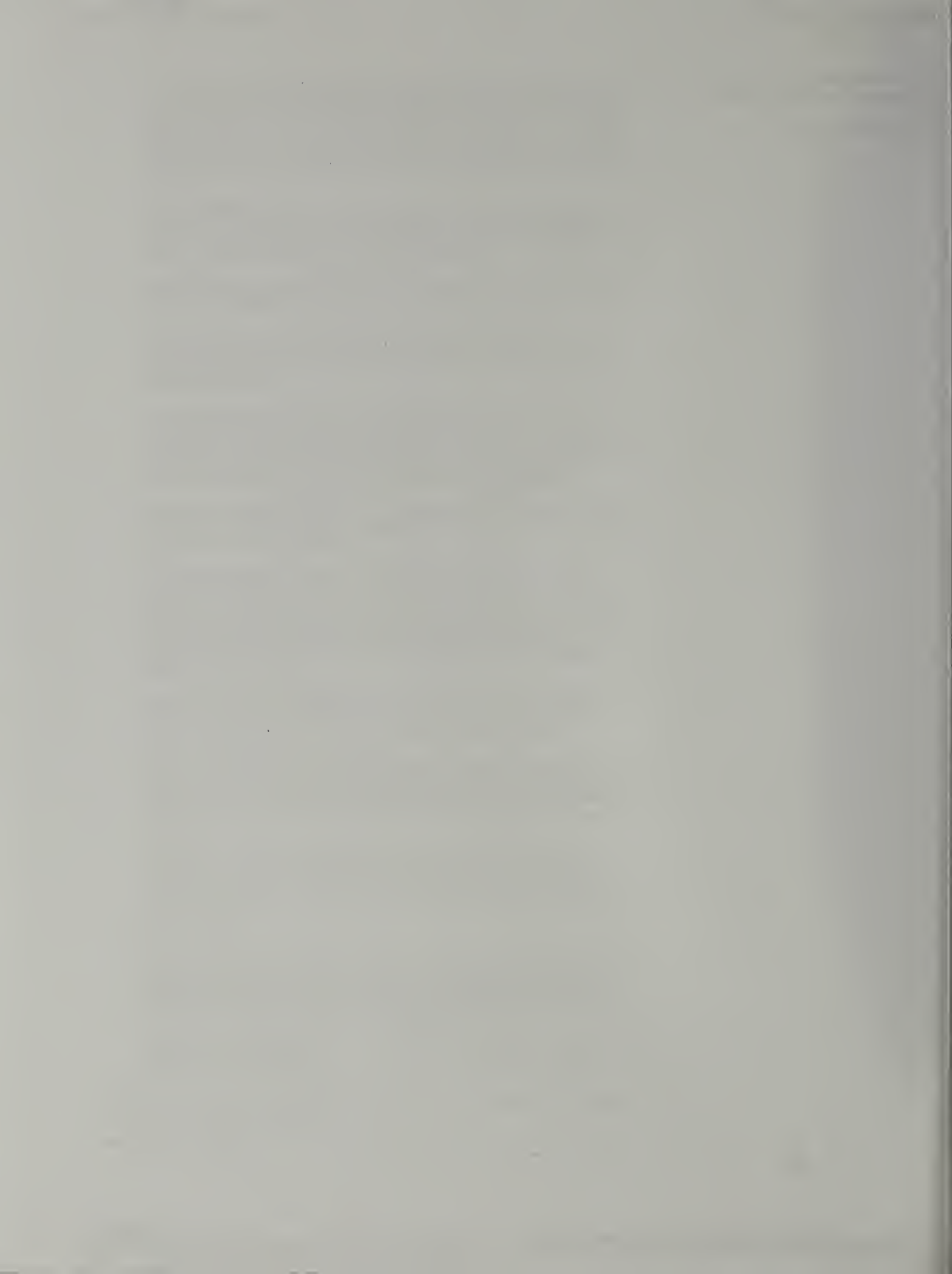
Commissioner Cuellar stated that the Committee would take Mr. Addario's requests under advisement.

There being neither further new business nor public comment, Commissioner Cuellar adjourned the meeting at 4:40 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

November 6, 2007





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San Francisco Arts Commission

November 14, 2007

STREET ARTISTS COMMITTEE

Wednesday, November 14, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

Agenda

1. Hearing (discussion only) on Street Artists Program Director's proposal for 2008-09 budget for Street Artists Program.
2. Hearing and possible motion to approve proposal to eliminate 10-day renewal policy to allow for renewal of more than 10 working days after a certificate's expiration date. *(continued from 10/10/07 meeting)*
3. Street Artists Program Director's Report.
4. New business.
5. Adjournment.

November 8, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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San Francisco Arts Commission

November 14, 2007

STREET ARTISTS COMMITTEE

Wednesday, November 14, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

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MINUTES

Members present: Commissioners Alexander Lloyd, José Cuellar, and Sherene Melania

Members absent: None

Staff present: Interim Director of Cultural Affairs Nancy Gonchar, Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:10 p.m.

1. **Hearing (discussion only) on Street Artists Program Director's proposal for 2008-09 budget for Street Artists Program.**

Commissioner Lloyd stated that, at today's hearing, the Street Artists Committee would most likely state a recommendation but would not vote on the budget; the vote would be taken by the Arts Commission's Executive Committee in January, 2008. The Commissioner thanked the street artists for taking time away from their jobs to come to today's meeting.

Street Artists Program Director Howard Lazar presented his draft of a budget for 2008-09 and stated that it included all of the major items that had been requested by the Commissioners and various street artists: computer-generated certificates; printing of the Program's "bluebook" (which will also be available on the Program's website); police enforcement of the street artist and peddling ordinances during the winter holiday season; and utilization of the already legislated, full complement of thirty-five meetings/studio visits/monitoring assignments of the Advisory Committee of Street Artists and Craftsmen at a \$20 increase in compensation requested by the Advisory Committee. For many years, the Advisory Committee members had been receiving compensation of \$80 per meeting/studio visit/monitoring assignment, and the members were now requesting compensation of \$100 for each such duty. To support this budget, the street artist fee would have to be raised from the current annual fee of \$419.20 to an annual fee of \$583.43, representing a 39% increase.

The Program Director explained that the present fee of \$419.20 has been in existence for three years: 2005-06, 2006-07, and the current year 2007-08. Prior to this, for twelve years (1991-2003) the street artist fee had been \$350 a year. By 2003, however, the Program's expenses exceeded its annual fee revenue, and the Arts Commission requested and received from the Board of Supervisors in October, 2003, an ordinance which raised the annual fee in three increments. It started with a 6% increase to \$373.60 to cover the fiscal year from October, 2003 to June 30, 2004; then another 6% increase to \$393.40 to cover the period of July, 2004 to June 30, 2005; and, finally, a 5% increase from that amount to \$419.20 (the present fee) beginning on July 1, 2005. These three increases represented an overall 17% increase over the previous long-standing fee of \$350.

Mr. Lazar went on to explain that the three fee increases had been deliberately

made to be gradual in keeping with the Program's gradual drawing down of its surplus fees revenue—a surplus which had been created from salary savings commencing some fifteen years ago. The Program's usage of the surplus fees supplemented the fee revenue in order to balance the budget. This procedure was commended by the City Attorney's office as "fiscally prudent."

Finally, as Mr. Lazar had predicted four years ago, the surplus fees savings will be depleted at the close of the current fiscal year. That is why, he stated, there would be a significant fee increase for next year, even without the inclusion of the requested new items: the Program will no longer have the benefit of savings to supplement its annual revenue.

With regard to the proposed 39% fee increase, the Program Director stated that it was not unusual for the street artist fees to be sharply increased. In 1983, the fee was \$80 a year; by 1987, it had increased by 50% to \$160 a year. From 1988 to 1991, the fee was \$230 a year, representing a 30% increase. In 1991 the fee jumped by 34% to \$350 where it remained, as stated previously, for the next twelve years.

At the request of the Commissioners, Mr. Lazar detailed each of the items of the proposed budget. He stated that the salaries and benefits of the Program's two staff people represented a 4% increase (a projected increase recommended by the Arts Commission's chief accountant in annually drafting the budget), and he identified those items which represented the same dollar amounts in the current year's budget.

With regard to the increased rate of compensation for the Advisory Committee, a new compensation ordinance would be required. Commissioner Lloyd noted that the new rate would be a 22% increase.

With regard to the proposed amount for police enforcement during the winter holiday season, Mr. Lazar stated that increased hourly rates for police officers may no longer allow the Street Artists Program to buy a full two weeks of enforcement against illegal vendors.

To arrive at the new annual fee, the proposed budget was divided among the Program's current 390 street artists. Mr. Lazar clarified, however, that currently not all street artists pay a full year's worth of fees. While some do, others pay for two quarterly fees and then drop out of the Program; still others pay for only one quarter and leave the Program; some artists return, some do not. This situation, as always, makes it difficult to calculate a precise revenue.

Commissioner Lloyd asked that, prior to the Executive Committee's hearing on the budget, Mr. Lazar provide figures for the budget and the increased fee to reflect a deletion of the amounts for computer-generated certificates, "bluebook" printing, and police enforcement.

Commissioner Melania ascertained that the cost for printing the "bluebook" was based on 1,000 copies. The Commissioners discussed that, rather than pay for this expenditure, the "bluebook," which will be presently available online, could be photocopied by request and the requestor charged a fee to cover the cost. Interim Director of Cultural Affairs Nancy Gonchar stated that copies of the book could be placed in the City's libraries. Mr. Lazar stated that the previous 1998 edition had been so placed in the main branch of the public library and the law library, and that he had furnished—and the Program collected payment for—copies to other cities requesting advice on running a street artists licensing program.

Commissioner Lloyd called for public comment.

Street Artist Edward Steneck stated that the large street artist turnout at today's meeting was very unusual and that the artists were present because of their concern about the Program's costs. He said that most of the artists felt that the proposed rate of fee increase was "way out of line." While many members of the public have the impression that street artists make a good deal of money, "that's not the truth"; some just get by "while others do well, etcetera, etcetera." He went on to say that there were a number of items in the proposed budget that the artists could live without: for example, the costs of the printing of the "bluebook" and the police enforcement. He said he did not "have a lot of faith in the way" the police "work; I've been on the street

for many, many years" observing that, when the police were hired, the Program was taken advantage of—"I don't feel that they earned the ten thousand dollars that we had to pay them. Half the time we never saw them; they would make a few busts, they'd pick up a few tables full of scarves and so forth ... but really I don't think they do their job." Mr. Steneck also stated that the artists could live without the cost of computer-generated licenses; while it would someday be "great," he did not feel the Program could afford it at the present time. "Those three items I just mentioned," he said, "would save us twenty-five thousand dollars. And something else that would save us a lot of money: I think that the secretary that we have ... who works up in the office, I think we ought to find a way to live without her" salary "plus ... benefits."

Street Artist Michael Addario submitted a nine-page report he prepared which was entitled "The San Francisco Street Artists Program; Proposed Budget and Recommendations for Fiscal 2008-2009". He explained that "San Francisco street artists are, in fact, disadvantaged business enterprises and, in addition, must design, fabricate, and sell only their original art. Our program should not be confused with street fairs or, for that matter, retail businesses, for in both cases they do not have the restrictions that are applied to our program." In contrast with retail stores, he said, "we do not have access to permanent shelters, water, sewage" and electrical facilities "and are restricted ... from acquiring multiple" selling "locations. We can't have employees or salespersons." Also in contrast with retail stores and art fairs, "with our present lottery system there is the possibility of driving hours to our lottery" and then "pull a high number and not have any viable space" in which "to sell." Also, because the Street Artists Program is a City program, the artists "must abide by costly City regulations that most fairs or small businesses could ill afford." Furthermore, "working street artists sacrifice paid holidays, vacations," sick pay days, medical and dental coverage, "pension, paid breaks, and any idea of seniority or security."

Mr. Addario went on to state that "while the City of San Francisco, the Art Commission, and the Port make a multitude of restrictions for the street artists to sell their work," these agencies "refuse to enforce those identical rules against the unlicensed vendors who set up in the most lucrative spots in the city." Mr. Addario also cited the Port's encroachment policy and Street Performer Program which "may affect" the street artists' "legal spaces on Port property" and "these developments could possibly bring more members to an already summer-packed Justin Herman Plaza."

Commissioner Lloyd asked Mr. Addario to concentrate his remarks on the proposed budget.

Mr. Addario stated that "it was recently learned that there is a non-funded liability for the San Francisco Street Artists Program: staff accrued vacation time and sick pays to the amount of eighty-three hundred dollars as of October 31, 2007." This amount, he said, was not included in the proposed budget, and that, if one of the staff members were to leave the Program, the Program would have to pay for the member's accrued time.

Referring to budget figures he drafted, Mr. Addario stated that the Program was running a deficit of 20%. Referring to a chart he created, entitled "How Membership Loss Relates to Proposed Fees," he stated that, as the fee goes up, the membership goes down. "All indications are that the San Francisco Street Artists Program is in serious financial jeopardy. Presently, and for a number of years, the ... program is expending more resources than it recovers in revenue. ... Major modification to the program will be needed immediately to become financially solvent and satisfy the program's survival, goals, and aspirations."

Mr. Addario told the Commissioners that they had "a fiduciary responsibility to take control of these overlooked and runaway costs" and to "restructure" the program's "costly and underperforming ... office." He added that the 39% fee increase was "equivalent to a regressive tax on working artists who do not enjoy nearly the same income or benefits as program office staff." Among some eighteen recommendations listed in his report, Mr. Addario verbalized two: (1) Downsize the Program's staff—he said he was concurring with Street Artist Edward Steneck—which "would save approximately eighty thousand dollars in salary and benefits"; and (2) the Commission should explore the possibility of "transferring the Program to 501(c)(3) status and ... canvassing for in-kind donations and City art grants."

Street Artist Rui Ling Chang stated that it was "hard to make money on the street" and that the fee increase issue "means a lot."

Street Artist Wgi Zhong Ma stated that he agreed with what Street Artist Edward Steneck said.

Street Artist Yvonne Sik Kum Kwok stated that the proposed fee was "too high."

Street Artist Gat Wah Lee Chen stated that she has been a street artist for over twenty years, that the price of the present fee was "very high" and that she opposed the cost of the new fee.

Street Artist Stella Wu stated that she agreed with what had already been stated by her fellow artists.

Street Artist Rina Lin stated that "we don't make much money" to support the proposed fee increase.

Street Artist Perrie Harrison stated that the proposed 39% increase was "ridiculous." She said that she creates crochet items, and, when it rains, she cannot work; "like last Saturday, I made zero. During the rainy season ... to April, that sometimes can be a long stretch" in which she "can't make any money and still have to pay" the present fee which "is still hard to come up with that kind of money if you're not making any money."

Street Artist William Clark submitted a videotape labeled "Board of Supervisors Finance & Audits Committee 9/17/03" and stated that at the hearing recorded by the tape he presented evidence that \$40,000 in interest should have accrued to the Street Artists Program's special fund on the fees surplus during the period of 1991 to 1997 but that the interest had not been received by the fund. "We were requesting at that time that that interest be transferred from the general fund to our fund." Urging the Commissioners to view the tape, Mr. Clark stated that Supervisor Peskin asked the Controller and the City Attorney to verify that the amount of interest was not received by the Street Artists Program's fund. The representatives of those two offices who were present "didn't know anything about it, and then" Program Director Lazar was asked if it was true that the Program's fund had never received the transfer of interest, but "Howard misunderstood the question that" was asked of him, "and he thought that they were asking him if he knew whether or not they had actually spent the money, and he said 'I don't know' ... So what I'm asking for you to do—I'm not questioning your budget at all—but I would like you to ask Howard, when you go back in front of the committee, to make that committee aware that he misunderstood that question, and that in fact there was forty thousand dollars that was transferred out, that we should get back ..." Mr. Clark added that, at the present time, he calculated an additional \$25,000 was owed the Program as interest on the previously mentioned interest. "If you add that sixty-five thousand dollars onto the amount of revenue you bring in from this year's fee—the *old* fee—there would be no need to raise the fee for next year."

He asked that the Commissioners direct Mr. Lazar to request Supervisor Peskin to look into the matter of the interest, and that "we should at least try to get the City to return it to us."

Street Artist Robert Clark stated that he was "opposed to any fee increase at this time because of the sixty-five thousand dollars that the City does have of our money from the interest" from 1991-97. He went on to say that the video his brother submitted showed that when he, Robert, was at the Finance Committee meeting, he told Supervisor Peskin about the \$40,000, "and Supervisor Peskin made it very clear that if it was correct ... and that they did inadvertently take our forty thousand dollars interest, that there was no doubt that they would return it to us." Supervisor Peskin, he said, consulted with the City Attorney and the Controller at the meeting, but "they, for whatever reason, said they didn't know anything about it. And Howard misunderstood the question, and therefore Peskin asked the Controller to look into this." Since that time, Mr. Clark asserted, "the Controller hasn't looked into it."

Mr. Clark said that he would not argue with what the Arts Commissioners wanted for the Street Artists Program budget, but "I am requesting that

Howard ask the Finance Committee to put the money back; because if he doesn't do it, I'm going to do it anyway." He urged the Commissioners to refrain from making "any decisions on what our budget should be" and urged the Commissioners of both the Street Artists Committee and the Executive Committee to view the videotape of the Finance Committee meeting "to see what the Supervisors said they would do" for the street artists "if we're correct. ... If we *can* get that money back, then at least for one year you don't have to put this pressure on these people. They're scared; they think their lives are going to be affected."

Street Artist Chik Suen stated that he agreed with the comments put forth by Street Artist Edward Steneck.

Street Artist Cheryl Chen stated that she would like to see the street artist fee raised each year by an agreed-upon uniform percentage, rather than having to experience sudden sharp increases.

Street Artist Fernando Hechavarria stated that he agreed with the comments made by Edward Steneck.

Street Artist Kathleen Hallinan thanked the Commissioners and the Program Director for their work. She stated that she has held her street artist license since 1974 and that she was of a "second family generation: my mother started me in" the Street Artists Program. She went on to say that she felt the Program was "really completely beautiful and unique in the entire world and, on the one hand, think the dollar a day or a dollar-sixty is extremely good for us for what we get and for the location which is the most expensive real estate in all the world. On the other hand, I also understand that there is real discussion that should go into" the increase, "so I also feel for the artists." In contrast with the present cost and the proposed next year's cost of her license, Ms. Hallinan stated that she was invited to participate in a crafts fair in December that was "two hundred dollars a *day*. I said, 'You know what? I think I'm just going to pay a dollar fifty' because I really can't afford to give away two hundred dollars of my artwork; to me, that's so huge ..."

Ms. Hallinan went on to say that the proposed fee could be a hardship because "a lot of times our income is really low compared to" the artists' business of the 1970's. She asked the Commissioners to pay "serious attention" to the issue of the \$40,000 interest in relation to the Program's budget, that what the Clark brothers "said is really worth looking into."

Ms. Hallinan described the Program as "a really incredible program under Howard's stewardship," the guidance and efforts of the Commissioners, and the artists' hard work on a daily basis. While the Program "is a good deal, it is also a program of struggling artists who come out every day ... and have no health insurance, have no paid week, and have to make" their craft "freshly every day by hand."

After the end of public comment, Commissioner Cuellar asked the Program Director whether a motion could be made to look into the matter of the \$40,000 interest or what steps would be necessary to ascertain the status of the amount and its potential for the Arts Commission to have access to it.

Mr. Lazar responded that it was his understanding that, firstly, it would be necessary to verify with the Controller the amount of interest for the years 1991-97; then, he surmised, it would probably be up to the Arts Commission to vote to pursue the issue at the Board of Supervisors. At any rate, he would have to seek guidance from the City Attorney's office.

Commissioner Lloyd affirmed that his Committee wanted to verify the status of the interest and the appropriate process involved in pursuing the money. However, the Commissioner felt that, while the Program's receiving the interest might reduce the certificate fee for one year, it was no panacea in solving the budget problem. Nevertheless, he asked the Program Director to look into the matter of the interest.

Commissioner Lloyd went on to state that, given his assessment of the opposition to raising the fee at all, he wanted to see a new budget proposal that removed as much of the new items as possible in order to keep the fee down. While it would be advantageous for the Program to have the new items,

the fee increase at this time should be minimal. The Commissioner asked that the following be removed from the proposed budget: the printing of the "bluebook" (if there is a necessity for a hardcopy, he said, a charge could be made on a per-copy printing basis); the police enforcement; and the computer-generated certificates. The proposed \$20 increase in compensation for the Advisory Committee, however, should remain, since the Advisory Committee had not received an increase in many years.

For the long term, the Commissioner stated that he would like to see a proposal that would include a charitable institution associated with the Street Artists Program, as a "Friends of the Street Artists Program," or some local businesses that would support the Program.

Commissioner Melania commented that, if the "bluebook" could not be printed, it should at least be accessible online in order to avoid the possibility of a street artist claiming he/she did not know the rules because they couldn't find the "bluebook."

Commissioner Lloyd agreed with this and added that, for people who do not have access to the Internet, it might make sense to establish a procedure to print out the book for individuals and charge them for the cost.

Commissioner Cuellar stated that worthy of consideration might be a pre-established fee increase percentage year by year, anticipating the needs of the Program, in order to avoid long stretches of no fee increase and sudden dramatic increases.

Program Director Lazar stated that the Program is governed by an ordinance passed by the voters which prohibits increasing the fee beyond that which is necessary to cover the Program's expenses. Furthermore, while a surplus is always advantageous to augment the fee revenue if necessary, the Program is not entitled to deliberately create a surplus. He went on to say that the Program's expenses have not always been consistent. With respect to a proposed gradual fee increase, the last three increases *were* gradual and were provided as such by the current fee ordinance. These gradual increases were based on consistent expenses for the past few years. The currently proposed dramatic increase was due primarily to the inclusion of new significant items in the budget.

Mr. Lazar went on to state that the biggest item of the budget has always been its salaries and benefits and can be predicted annually by increasing them by 4%, as recommended by the Commission's Chief Accountant. Similarly, the Program's budget for supplies has remained consistent through the years.

Commissioner Cuellar stated that, in addition to basing a consistent increase on salaries and benefits, it might be possible to project the increase to include other items as well. For example, a 6% increase per year might make it possible to project a budget in keeping with the revenue.

Mr. Lazar responded that, while such a course could be worked out, he felt that many artists were still failing to understand that the reason for the projected dramatic jump in the fee, even without the budget's inclusion of new items, was the fact that the Program will next year no longer have a surplus to offset its costs. The annual fee revenue will have to entirely support the budget.

Commissioner Lloyd affirmed that if the budget deleted the costs of the computer-generated permits, the printing of the "bluebook," and police enforcement—which would represent a savings of \$25,000—the balance of the costs would yield a fee of approximately \$500, substantially less than the previously projected \$583.

Mr. Lazar clarified that, if the Program three years ago (when the three-tiered increase commenced) had not had the benefit of its surplus, the artists *would* be paying five hundred and something by now, this present year." The projected significant fee increase "comes as such a shock because" the Program previously "had the luxury of a surplus savings" to draw from. Nevertheless, following Commissioner Cuellar's advice, it would be possible to work with the Commission's Chief Accountant to arrive at a percentage formula for the subsequent five years. This, in fact, was done three years ago when the

Program Director consulted with the City Attorney in arriving at the subsequent formula of 6%, 6%, and 5% fee increases, respectively.

Commissioner Lloyd, addressing the artists, stated that, while he understood that they did not necessarily want more competition, every new artist added to the Program will help the fee to go down.

Street Artist Kathleen Hallinan interjected that the Program did not have the spaces to accommodate a substantial increase of artists.

To this, Commissioner Lloyd stated that the Commissioners and staff will work to obtain more spaces. In so doing, he invited the artists to find other artists who would be interested in joining the Program; and that would be one way to reduce the fee.

Commissioner Cuellar questioned whether there was a finite number of artists which the Program could reasonably serve. Presently, as was stated by Street Artist Michael Addario, some artists may drive for three hours to get to their lottery only to receive a poor space and make little money. The more artists who are in the Program, the more it will be probable that artists will be coming from afar and not able to make much money. Therefore, something to think about would be the ideal number of artists and the ideal number of spaces; given these, the Commissioner questioned: What kind of projection of fee increases should be prepared to pay on a regular basis to maintain the Program?

Program Director Lazar stated that the Program has maintained roughly 400 artists for the past seven or eight years. Thirty years ago there were about 1,000 artists in the Program. Of the current approximate 370 spaces, the question has to be asked: How many are workable and good? While the number of spaces could be matched with the number of artists, the problem would not necessarily be solved since not all the spaces were viable. Furthermore, many spaces have been shown to "go through a metamorphosis of viability: during one decade they're up on top, the next decade they're way down. It's a fluctuating thing; it's business."

The Program Director went on to clarify that the Arts Commission was prohibited from establishing a limitation of the number of artists it certifies. While the Program has lost spaces through the years, it has also gained spaces. On the day following this meeting, in fact, seventy-one choice winter holiday spaces would be added to the Downtown Lottery, and this will be the twenty-sixth year that the Arts Commission has obtained such spaces for a crucial selling season on behalf of the artists.

Commissioner Lloyd recommended that, while he appreciated the inclusion of new items which reflected what the artists and the Commissioners had previously discussed, a budget should now be proposed, however, with as minimal a fee increase as possible, because "it doesn't take a genius to hear what" the artists "are saying, and we're all here to help these people." He asked the Program Director to prepare a revised budget that would delete the higher-cost new items, amounting to \$25,000, and would retain the compensation increase for the Advisory Committee with the Committee utilized for fewer meetings than the allotted 35 meetings. He asked that this be prepared for presentation to the Commission's Executive Committee in January, 2008.

Commissioner Lloyd affirmed that there would be no Street Artists Committee meeting scheduled for December.

2. Hearing and possible motion to approve proposal to eliminate 10-day renewal policy to allow for renewal of more than 10 working days after a certificate's expiration date (continued from 10/10/07 meeting).

Program Director Lazar reported that, at the last hearing on the matter, he had been asked to obtain a projection of the effect on the Program's fee revenue if the 10-day policy were eliminated. He discussed the matter at length with the Arts Commission's Chief Accountant whose opinion was that the elimination of the policy would not be a good idea, that it was important to maintain a deadline for renewals in order to keep an assured amount of revenue.

In response to a question by Commissioner Melania, Mr. Lazar clarified the Arts Commission's authority in waiving its policy of re-screening the wares of former certificate-holders seeking new certificates and approving, at full Commission meetings, issuance of new certificates for such artists without re-screening.

The Program Director went on to say that, at the last hearing, the Committee heard an argument that, if a former certificate-holder has to wait a month for full Commission approval, there would be a loss of revenue from this individual in the interim, and that, instead of undergoing this, it would be easier for the Program to collect the fee immediately and license the artist. While that may be true, the Program Director stated that, if the 10-day policy were eliminated, the Committee should consider the relatively small number of former certificate-holders (usually three or four, possibly eight during the winter holiday season) whose fee revenue could be collected right away, in relation to the majority of artists whose fee revenue, without being governed by deadline, would probably no longer be collected on a timely basis. Mr. Lazar, in agreement with the Commission's Chief Accountant, recommended that the 10-day policy not be eliminated.

Street Artist William Clark, who had proposed eliminating the policy, stated that artists who fail to renew abide by the policy and walk away from the Program, thus making for a loss of revenue while they wait for either a re-screening or full Commission approval for a new certificate. Mr. Clark went on to say that "this is pure conjecture on the part of people who are saying that we're going to lose all these people" who pay in accord with the policy deadline "because everybody's going to take a vacation and go off and not come in to the Program ... What we're saying is that the people who want to work in the Program are going to come here and pay for their time period" while artists who "don't want to work, even under the present situation ... are going to take a month off or two months off or three months off ... and then come in and ask for a waiver." He went on to say that the raising of the fee at this time will make it more difficult for artists to pay in a timely fashion. He suggested that the Commissioners consider extending the policy to thirty days "to give people that additional time" to raise the money. This would avoid their having to go through the re-screening process, "to come in here and humiliate themselves in front of you guys ... telling you 'Well, I'm broke, I don't have money...'" Mr. Clark did not foresee a major loss of revenue by extending the length of time of the policy.

Street Artist Robert Clark stated that, at the last hearing, he had raised the question of why the policy was initiated, what the need had been for it. He also alluded to the present policy allotted for new street artists to pay for their certificates within fifteen days of their screening. He stated that the reason the policies were initiated "in the first place was to knock people out of the Program."

The reason for this, he said, was that at the time there was a group of artists "who wanted to monopolize spaces; they went to the Arts Commission and they said 'Hey look, we got two thousand people in the Program, we don't have enough spaces, we've got to get rid of some people. ... Well, we can't get rid of people unless we have a procedure that says after this date, you're no longer in the Program.' ... Well, back then, this Committee was illegally limiting the numbers, and what happened is they created the 10-day rule" to eliminate artists from the Program. He went on to say that also at that time new artists were not permitted into the Program "until somebody drops out."

Mr. Clark submitted what he called "a work plan from Howard Lazar in 1991-92" which, he said, "clearly states that one of Howard's goals in 1991 was to knock the numbers of this Program down to 572 ..." He went on to state that "while we were trying to get more people into the Program, this Commission was knocking people out of the Program." He asserted that if the fees were now getting to be "so high, it's not because of the street artists; it's because this Commission had a policy to knock the numbers down."

Street Artist Michael Addario stated that elimination of the renewal grace period would be "financial suicide if people could pick and choose what month they want to work; especially with our costs now, people would just work during the wintertime or during the summer ... and just come back next year." Therefore, he felt that elimination of the policy would hurt the Program financially and would "then shift the burden" of shouldering the Program's

expenses "on everybody who works" throughout the year.

Street Artist Kathleen Hallinan stated that "sometimes when the Clark brothers have come up with" an idea there would be "a whole bunch of people in opposition, and later on everybody loved it." She asked the Commissioners to give the elimination of the renewal period an opportunity—a "test period"—to see what effect it would have on the Program's revenue.

Upon the close of public comment, Commissioner Lloyd called for a motion to approve eliminating the 10-day policy. No motion was forthcoming.

3. Street Artists Program Director's Report.

Hearings at Board of Appeals. Program Director Lazar reported on the recent hearings in which he had participated at the Board of Appeals relative to the appeals filed by Manuel Loli and Paula Datesh of the Arts Commission's actions on their certification. Mr. Lazar thanked street artists Susan Pete, Michael Addario, Kathleen Hallinan, and Edward Steneck for testifying at the hearings.

With regard to Paula Datesh's hearing, the Board of Appeals found that there was inadequate evidence to support the Arts Commission's denial, unanimously overruled the Commission, and ordered the Commission to issue Ms. Datesh a three-month street artist certificate which shall be subject to renewal under the Program's rules—that is, subject to Ms. Datesh's abiding by the rules. Mr. Lazar further reported that the Board of Appeals commissioners made it clear to Ms. Datesh "that there will be no third chance." The Board's chair directed her to not telephone people at home nor "arrive at their desk side at their work." She promised she would not; and he said to Ms. Datesh, "Consider this a gift." She promised to "obey all the rules" and to not get into conflicts with anyone.

With regard to Manuel Loli's hearing, the Program Director stated that he had presented "irrefutable evidence" of Mr. Loli's violations, his yearlong history of hearings with the Street Artists Committee, as well as the findings from the visit to his studio conducted by the Advisory Committee of Street Artists and Craftsmen Examiners. Mr. Lazar said the Board of Appeals commissioners were "very courteous" but "they just couldn't find it in their hearts to just say 'no forever', as they put it, to this man, so that he could not get a license." Mr. Lazar stated that three street artists testified as to how difficult it is, as well as time-consuming, to make their own work, and to the injustice of having "to compete with someone who is selling" items "he doesn't make." Nevertheless, the Board unanimously voted to continue the matter to January and directed Mr. Loli to submit additional documents to verify that he understands the Program's rules and that he will abide by them. Mr. Loli told the Board that he now understood the rule that anything new he creates must be screened by the Arts Commission. Mr. Lazar commented that, while the Street Artists Committee commissioners had repeated that rule to Mr. Loli in two separate hearings, "he resisted you," but, "for some reason, he's not resisting" the Board of Appeals "commissioners."

Mr. Lazar related that he asked the Board of Appeals the following question: If the Board ultimately votes to give Mr. Loli a license and he is later observed selling something he doesn't make and/or something he does make but fails to get screened, would the Arts Commission and the Board of Appeals have to go through the same hearing procedures again? The answer was affirmative.

In the Loli appeal, Mr. Lazar assessed that the Arts Commission did obtain, however, a minor victory: the appellant was not permitted to sell from September to January, which effectively prohibits him from selling during the winter holiday season.

4. New business.

Street Artist Cheryl Chen stated that it wasn't fair to the street artists that the Board of Appeals ordered issuance of permits to Paula Datesh and Manuel Loli who sell some things they do not make.

Ms. Chen also asked if it was true that the security people working for the Union Square Business Improvement District were photographing the artists' displays as part of reports submitted to Mr. Lazar. Commissioner Lloyd

responded that, under "New business," he would not take questions, but only comments from the public. Program Director Lazar invited Ms. Chen to telephone him the next day and he would discuss the matter with her.

Street Artist Michael Addario urged everyone to view the videotape of the Board of Appeals hearings of Paula Datesh and Manuel Loli. "Howard," he said, "did an excellent presentation," but "it was unfortunately a devastating defeat." While four street artists testified, if more artists had attended, he thought the Arts Commission might have prevailed. "Manuel Loli," he stated, "used the race card again" in appealing to the Board; "he made us sound like we were racist against him and ... the only reason why we were there." He went on to say that many artists had been notified of the hearings in person and by e-mail, but no more than four had shown up. He also said that it would also have been helpful if the Arts Commissioners had written a brief on how they had been harassed by Ms. Datesh. As for Ms. Datesh's promise to not harass anyone," he said, "she has, since the meeting, sent an e-mail to my sister-in-law"; Mr. Addario, therefore, predicted that her harassing behavior will continue.

Mr. Addario described the commissioners of the Board of Appeals as "ignorant of our whole Program; they didn't even know that our commissioners are appointed by the Mayor ... They dismissed all of our complaints." While, he stated, "we did as much as we could," the Board acted as "if it was a nullifying jury."

On another matter, Mr. Addario stated that the Port's Street Performers Program has commenced, "and it looks the same way as it did before: there are still unlicensed vendors in the areas" in which the licensed street artists would like to sell; in addition, there were spray-paint artists. The photos taken by Mr. Addario of these various unlicensed persons on Port property were used, Mr. Addario stated, as an issue raised by Manuel Loli at his Board of Appeals hearing that Mr. Addario "was going against people of color."

Street Artist Kathleen Hallinan stated that the Clark brothers brought to her attention that, with respect to the Manuel Loli hearing, the Board of Appeals made a decision to overturn a finding by Arts Commissioners which had been based on evidence; "so, in fact," she stated, "they took your evidence, based on two years and thousands of dollars for translators, etcetera ... and they threw that evidence out and, in fact, based their decision upon compassion, sympathy ... It was startling to see that you had done the work, investigated, paid for translators, spent two years, come to the conclusion that these pipes of Loli were not just something he didn't quite understand he couldn't do; but they threw out all of your evidence and time and proof and decided, based on sympathy and compassion, that he had not understood the rules" even though "he was caught apparently red-handed with obvious" items he had not made.

Commissioner Lloyd stated that if Mr. Loli or Ms. Datesh were to come before the Arts Commission again on charges of violation and there would be an appeal, he, Commissioner Lloyd, and the other Arts Commissioners would speak at the Board of Appeals.

Commissioner Cuellar requested that, whenever a street artist appeals the decision of the Arts Commission, the minutes of his hearings with the Commission should be sent to the Board of Appeals "so that they have a full record of our deliberation."

Program Director Lazar stated that he had intended to do so, but the Board limits a department's brief to twelve pages, and the brief on Manuel Loli's violations, hearings, photographic evidence, and findings had been so extensive that no room had been available for an attachment of the minutes of his hearings.

Commissioner Cuellar thanked Mr. Lazar and the artists for "doing an excellent job" at the hearing. He further stated that he felt the Board of Appeals "misrepresented and misunderstood the case." He pledged to attend if Mr. Loli again makes it necessary.

Street Artist Edward Steneck asked that the Arts Commissioners write to the Police Commission or Department to have police officers "please go out there and enforce the law; because they don't do it." He asked why the street

artists, through their Program, should have to pay the Police Department to enforce the law against unlicensed vendors. The Police Department was already paid, he said, "through property taxes I pay, through lots of other taxes that we all pay; and for them to decide that they're not going to" enforce the peddling law "unless we give them ten grand every Christmas, is ridiculous." He exemplified the problem by alluding to an unlicensed vendor who sets up at the cable car turnaround at California and Market Streets every weekend: "a whole display of scarves, wallets" and other merchandise set up "alongside the" licensed "street artists." This vendor, he said, is like others who set up illegally throughout the city and who "don't pay thousands of dollars a year to the California State Board of Equalization, like my wife and I pay; they don't pay the twenty-five dollars to the City for the Business Tax ... They probably don't pay any income tax, don't even report it, and the police won't do anything about it unless we pay them. ... It's disgusting."

On another matter, the Program's budget, Mr. Steneck stated that, while most of the revenue goes to salaries, he was not going "to suggest that Howard work an hour less than he's already working or get paid a dime less, but I don't think we need a full-time secretary; there's no reason in the world why somebody has to sit up there to answer a telephone five days a week." Instead, he said, the Program could have the typical electronic answering service with directives to callers to "press one, press two, press three" to receive answers to their questions. He further suggested the hiring of a temporary worker for office assistance.

Street Artist Kathleen Hallinan expressed her wish that the present three Arts Commissioners remain on the Street Artists Committee, that they had spent a great deal of time learning about the artists and their Program. In contrast, she stated, the commissioners of the Board of Appeals had asked Mr. Lazar why a street artist could not easily write on a piece of paper what he or she wants to make and then just make and sell it. She said, "Howard said, 'Well, everybody in the stores would be out there, you have to be certified'; well, they said 'Why?' They also said to Howard, 'What's the difference between a peddler's program and a street artists program?' So you three people really work hard, and I hope we don't lose you."

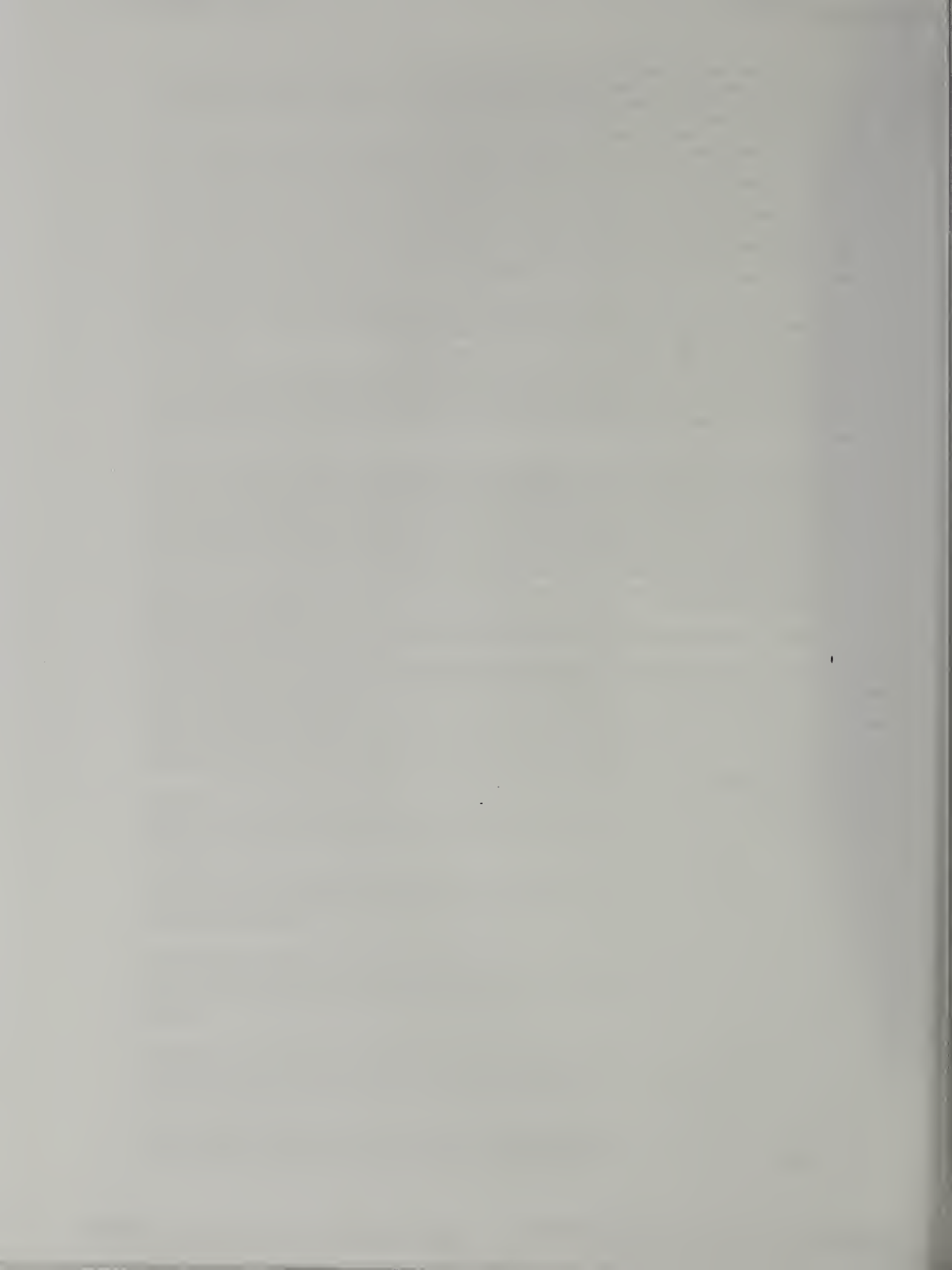
Commissioner Lloyd thanked the artists for their interest and participation.

There being neither further new business nor public comment, Commissioner Lloyd adjourned the meeting at 4:45 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

December 7, 2007





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Meetings >> Street Artists Committee Meetings

San Francisco Arts Commission

December 12, 2007 meeting cancelled

STREET ARTISTS COMMITTEE

Wednesday, December 12, 2007

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, December 12, 2007 has been cancelled.

December 5, 2007

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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